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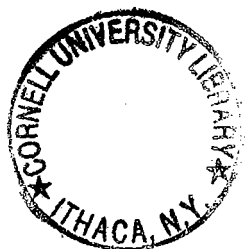
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RICH POSSIBILITIES: NOTES ON SOCIAL HISTORY IN NEPAL

Pratyoush R. Onta
University of Pennsylvania

A two-day seminar entitled "International Seminar on the State of Nepali Historiography: Problems and Prospects" was organized by the Central Department of History of Tribhuvan University on October 12 - 13, 1993 in Kirtipur.¹ Three papers were presented: one on the historiography of ancient and medieval Nepal (Vaidya 1993), another devoted to an overview of Nepali historiography between 1769 and 1950 (Adhikari 1993) and a final one that highlighted selected trends and problems in post-1950 Nepali historiography (Upreti 1993). I feel that far too much time during the seminar was spent on reviewing the rather well-known history of history writing of Nepal and too little time was spent on identifying the weaknesses in our practice in substantive terms.² If significant progress is to be made in our historiography, then we must give detailed recognition to the gaps in the literature on ancient, medieval and modern Nepali history and carry out research projects that begin to address these lacunas.

Although I cannot claim such expertise for myself, I make here a modest attempt to do two things. I first look at how the 'social' is conceived from within the discipline. Using a somewhat dated classification of social history proposed by Eric Hobsbawm in 1971 – but still fulfilling the requirements of this preliminary discussion – I comment upon a few of the historical works written in the recent past to highlight the absence of a broad-based social history in our literature of the modern period.³ Second, I address one particular gap, the general absence of oral history as method. I discuss some common attitudes toward oral history and suggest some possibilities for its use in social historical research. My conclusion calls for a greater pluralism in history writing practices in Nepal.⁴

Looking For Social History

As already pointed out by many analysts, Nepali historians, with few exceptions, have for long been obsessed with the political history of the ruling elites.⁵ This reveals an attitude which assumes that only those

"perched at the very apex of the polity" (Kumar 1989:247) mattered in the past, and therefore studies focussed on them adequately describe the historical process of our society.⁶ The history of the ruling elites is more often than not passed off as the history of Nepal. The need to engage in a broadly conceived social history of the 'people of Nepal' from an interdisciplinary perspective has been reiterated on many occasions (e.g. Stiller 1974; Sharma 1974; Adhikari 1980), but there are few examples of such work.⁷ Judging by what was said as comments during the history seminar, it seems that some senior historians still consider 'a history of the people' to be outside their research and teaching agendas.⁸ One historian suggested that the political history of the elites can also illuminate the 'socio-economic' aspects of their times. Apart from the vagueness of the term 'socio-economic', what is noteworthy is the assumption that it is more legitimate to enter this turf via the lives of great personalities, a sure symptom of a trickle-down theory of history and society.

In an earlier article, I argued that disciplinary history's growth in Nepal was inextricably linked with the agenda of progress adopted by the Nepali state under Panchayati nationalism (Onta 1993b). Working under this nationalistic framework the Nepali historians chose the nation-state with all its claims to unity, freedom and progress and the class in power as the subject of all history. Focussing on future research agendas that are inclusive of themes and concerns that have been systematically omitted by previous historians, I argued that we should stop paying exclusive attention to elites and begin focussing on the life-experiences of the many subaltern classes of Nepalis.⁹ Given the polemical tone of the earlier article, I seemed to be suggesting "a needlessly polarised view of the approaches available to the historian" (Whelpton 1993b:2). As should be clear from this paper, it was not my intention to suggest that approaches and topics other than those of the 'history from below' variety have been exhausted in Nepal. Nor was it my view that elite and subaltern histories are somehow hermetically sealed separate entities. Nor did I intend to identify the history of subaltern classes as 'social' and that of elites as 'political' (cf. Sarkar 1985:1082). My point then was that the 'history from below' approach was conspicuous by its absence in our historical literature, and it was therefore important for us to begin to pay attention to it.

This said, let us review what kind of social history we might have in our midst. In a 1971 essay entitled "From social history to the history of society," Eric Hobsbawm tried to discover where social history (mainly in Europe) then stood after what he described as "two decades of unsystematic if copious development" (1971:20). According to him, it has always been difficult to define social history, but broadly speaking, it had been used in

three sometimes overlapping senses. The first sense referred to "the history of the poor or lower classes, and more specifically to the history of the movements of the poor" under the rubric of "social movements" (1971:21). The second sense is in reference to "works on a variety of human activities difficult to classify except in such terms as 'manners, customs, everyday life.'" Hobsbawm added that this variety of social history was "not particularly oriented toward the lower classes – indeed rather the opposite – though the more politically radical practitioners tended to pay attention to them." He called this the "residual view of social history," equivalent to British historian George Macaulay Trevelyan's definition of social history as "the history of a people with the politics left out" (Trevelyan 1978[1942]:1), and dismissed it summarily as something that "requires no comment" (1971:21).¹⁰

The third sense in which the term 'social history' had been used was in combination with 'economic history,' although the former more often than not played second fiddle to the latter. Hobsbawm explained this predominance of the economic over the social by referring partly to the headstart that economics had had over the other social sciences and partly to a view of the economy in the Marxian and the German historical school which "refused to isolate the economic from social, institutional, and other elements."¹¹ Historians of this kind were interested in the "evolution of the economy, and this in turn interested them because of the light it threw on the structure and changes in society" (1971:22).¹²

Turning to our literature, let us first look at studies of the history of the poor and lower classes and their social movements. As Krishna Ghimire says in his recent book, social movements in Nepal are poorly documented (1992:138-46).¹³ Scattered references to individual and collective acts of open resistance during Rana and Shah rule are found, but no substantive effort has been made to examine these.¹⁴ However, even from these few references, some observations can be made. For instance, in the rebellion led by Laxan Thapa the Second in Gorkha near the end of Jung Bahadur's rule, it is said that he declared himself as a king, and "pretended that he was specially commissioned by the Goddess *Manokamna* to overthrow Jung Bahadur" (Rana 1980[1909]:302). Previously he had claimed the status of a "saint" (idem: 303). Immediately after Jung's death in late February 1877, more than one Gurung in Gorkha declared himself a Buddhist emperor and engaged in revolts (Manandhar 2048 v.s.: 143-47). In 1840, a man by the name of Tule Rohani claimed to be an avatar of Lord Krishna and declared himself the king in the region of Parbat in west Nepal. His revolt is said to have lasted for almost a month (Nepal 2050 v.s.: 144 - 155). Shakti Yogamaya's dissent in east Nepal in the late 1930s is said to have been preceded by a period of

reclusive penance after which she acquired the power to engage in political activism (Aziz 1993: 19 - 29).

Manandhar, Nepal and Aziz have noted that those engaged in rebellion have claimed religious or kingly authority or both. At a general level, it is no exaggeration to suggest that the notion of power that inspired these rebellions was "made up of such ideas and expressed in such words and acts as were explicitly religious in character" (Guha 1983:34). As Guha has suggested, power and religion, were "inseparably collapsed" in the language of this violence. Given the explicitly religious ideologies of domination in general and that of political legitimacy in particular, such a language of protest is not unexpected. We see this, for instance, in Tule Rohani's claim to being a king and an avatar of Lord Krishna. Moreover the absence of attribution of his rising to any particular grievance suggests that protest can occur when an erosion in patterns of legitimate authority is felt (cf. Ramchandra Guha 1989:3). This is important to remember as we read historian Gyanmani Nepal's attempt to understand Tule Rohani's rebellion within the context of the political chaos then prevalent in Kathmandu amongst the *bharadari*. To always seek political chaos (or alternatively economic exploitation) as the reason for all acts of protest is to show trust in a notion of instrumentality that is hard to support in the face of what we know about cases of protest such as those by Rohani. This kind of secular historiography fails to come to terms with the contents of rebel consciousness. It fails to acknowledge that such acts of insurgency were not necessarily mindless and spontaneous response to a particular suffering or a passive reaction to some superordinate or elite initiative (cf. Guha 1983). Nepal's approach can also be compared with Aziz's initial search for "some higher authority" in trying to understand the "political positions and philosophies" of Yogamaya. She says that the bias she had inherited in her training as a social scientist prevented her from initially realizing that Yogamaya, a woman and a hill farmer, could "have arrived at her position based on her own intelligence and resources" (1993: 23).¹⁵ Our historiography needs to recognize the rebel's agency as the motivating force of rebellions.¹⁶

Ghimere also draws our attention to acts of what we might call, following James Scott (1985), 'everyday forms of resistance' by *sukumbasis* in central terai in the recent past, but a historical examination of this phenomenon remains to be done. In Regmi (1978) we get a description and explanation of how and why peasant families from Nepal chose to migrate elsewhere during the second half of the nineteenth century. This could be seen as exercising the "exit" (Hirschman 1970) form of non-violent resistance even as the debate about whether or not "exit" counts as resistance remains open. Furthermore

we need to engage in substantial historical research on gender relations.¹⁷ As some scholars have pointed out in recent years, studying resistance by the subaltern classes, of the violent and everyday kind, can be of great diagnostic value with regards to our study of power and social relations.¹⁸ In our case, studying individual and collective acts of resistance – both everyday and violent ones – to Rana and Shah rule will better our understanding of how power was perceived and deployed under those regimes. While the administrative structure of power in these regimes is fairly well covered, the operation of power in the lived social experiences of the people is poorly understood.¹⁹ Acts of protest also give insight, however limited, into the culture and consciousness of subaltern classes of Nepal.²⁰

As for Hobsbawm's third sense of social history – one that appears in combination with economic history – Mahesh C. Regmi's corpus and Stiller's *The Silent Cry* (1976) are outstanding examples. Regmi has described in great detail the economic programs adopted by the Gorkhali rulers to mobilize human and material resources for territorial expansion. His work has helped, on the one hand, to understand the political lives of the rulers better, and on the other, the impact their policies had on the lives of the ordinary people for the period between the 1740s and 1900. His *Thatched Huts and Stucco Palaces* (1978) is a succinct essay that describes agrarian relations in Nepal during the nineteenth century. When the peasant, the actual cultivator of the land, is "compelled to share the major portion of his produce with parasitic groups who have no role in production, and whose income from the land is not available for use as capital in increasing agricultural productivity" (1978:x), endemic poverty is the result says Regmi. We also have in Regmi's work a description of the hierarchy constituted by political rulers, landowning elites, village level tax and rent collectors, moneylenders, and the peasantry.²¹

Regmi is well aware of the limitations of his research. In one place he has written: "Economic history seeks to portray only one aspect of the life of our ancestors, albeit an important aspect. A proper understanding of the economic life of a nation during any particular period in its history necessitates an understanding of its political history, the history of its social institutions, including, in a country such as Nepal, of caste and communal organization, religious and cultural ideas and ideologies, literature, and so on" (1978:xi). One attempt toward such an understanding, however limited it may be, can be found in Stiller's *The Silent Cry* (1976) which comes with a subtitle *The People of Nepal: 1816-39*. The main argument of this book is that Bhimsen Thapa, facing multiple *bharadari* onslaughts against him in the immediate wake of the failure of his leadership in the Anglo-Nepal war (1814-16), maintained a needlessly large army (one whose seventy plus year-old empire-

building role had been put to an end by the Treaty of Sagauli) "to provide critical support to his own political power" (1976:114). As the Gorkhali empire's expansion had come to an end and no new lands for military jagirs could be found, the cost required to maintain this army and other administrative structures imposed additional burden on the peasantry of village Nepal. Their increased impoverishment, their cry for help, Stiller argues, was not responded to by Bhimsen Thapa because doing so would have required reduction of the *jagirdar* army officer corps, the main pillar of his political support.²²

Stiller is persuasive in his characterization of the increased burden on the peasantry, but it is far from clear how the army's draining of the "the vitality out of village" (1976:250) was played out in the different areas of Nepal. However we must note that despite the possible presence of a sense of incipient national affinity in the preexisting rajya states and what Stiller calls the 'bonds of union' – supra-local movement of people because of the hulak system, munitions industry, the army and the development of Terai lands – the administrative and economic integration of the Nepali state during these years was fragmented and weak. Centralized agrarian bureaucracy – the apparatus that ensured revenue extraction from the peasantry all the way to the rulers in Kathmandu – was not in place until some years into the Rana administration (Regmi 1978). Given the weak integration of the silent years, Stiller's argument cannot be sustained at an all-Nepal level. The additional burden on the peasantry identified by him needs to be regionally mapped.

Moreover, as Joanna Pfaff-Czarnecka (1991) has pointed out, it would be a mistake to see local, village-level units as just "abstract victims of central policies". She suggests that the migration of people inside Nepal (west to east) – and I would add from Nepal to India – should be seen as "a constituent factor in the processes of changing power relations within local societies" (1991:233). To a certain extent Stiller is aware of this issue. Close inspection of Nepali villages, he suggests, would "reveal that it was not only government policies that were creating economic burdens for the villagers in Nepal," but the social structure of these villages also "had a great deal to do with the impoverishment of the people" (1976:300). While he recognizes that this factor might have strong moderating influences on many of his observations and on the central thesis of his book, Stiller adds that on the basis of historical data available to him, it would be impossible to analyze this aspect of village life.

Even as we may not totally agree with Stiller on the last point, at least one question in this context remains unanswered. How much of the ordinary Nepalis' lived social relations – those of the so-called peasants, artisans and others – can we learn from Regmi's and Stiller's work?²³ It is true that their

contributions have greatly enhanced our understanding of the effects of the Shah and Rana institutions of rule on the "ordinary people of Nepal as 'victims of history'" (Whelpton 1993b:2). However, it is my argument that their work relies too heavily on the extractive categories of the Shah state and Rana agrarian bureaucracy. When viewed from below and begun with the experiences of people occupying various social positions, possibilities for different – perhaps radically different – understandings of the 'effects' of these structures of power and institutions of rule will be obtained.²⁴ Therefore we might ask, for instance, what labour obligations legislated by the Nepali state meant in the localized politics of a village, and what forms of resistance were put up against these obligations. Similarly we might want to know in detail the complex relationships between poor peasants and moneylenders as well as other revenue-farming middlemen whose presence was so central to the functioning of the *jagir* system. We would like to know more about the presence and limits of monetization during the nineteenth and earlier centuries and how money's presence influenced elite and non-elite commercial transactions and consumption.²⁵

I will now turn my attention to the second sense of social history – what Hobsbawm called the 'residual view of social history.' This 'history with the politics left out,' I suspect, is equivalent to the 'socio-economic' category employed by some of our writers. Despite Hobsbawm's blunt dismissal of this residual view as something requiring 'no comment,' it is with us. Take for example, the book *Social and Political History of Nepal* by B. D. Sanwal (1993). Two features of this book need to be highlighted here.²⁶ First Sanwal believes in a notion of historical staticity for Nepal that no one sufficiently familiar with the existing literature can really support. He therefore molds his argument for change in Nepal within a 'tradition versus modernity' framework that reigned supreme during the heyday of modernization theory some 25 to 35 years ago. History's disappearing object viewed as 'traditional society' is for Sanwal a rhetorical construct legitimising his book. Nepal is fast losing the character of a closed society, but do not worry as I have recorded it all in my land-mark survey is what Sanwal seems to be telling us. Such a mode of analytical operation inherent in which is modernity's creation of the 'traditional' as a way to make itself sell better cannot give us good history – social or otherwise. This becomes quite obvious as one reads through the chapters. Secondly his social history comes to us as disparate treatments of topics as diverse as geography and people of Nepal, society and religion, the Nepalese personality, art and literature, communications, trade and commerce, the army and the government, land administration, women in Nepal, rituals, family life, food habits and dress, and music, dance and drama. How the art, literature, religion, rituals, food habits, dress, music, dance and drama of the

people of Nepal might have evolved in response to Nepal's political or economic evolution or vice versa is not for him to discuss. He happily treats these subjects in the most discrete manner as if they were ships passing each other by in the night. His twelve-page discussion of the army, government and land administration makes no reference to the land-military complex identified as the central feature of Prithvinarayan's unification scheme by Stiller and Regmi. In fact, Sanwal's bibliography does not include a single work by these two authors.

Sanwal's ignorance of discussions in social theory and of the recent research literature on the history of Nepal is frightening, considering he calls his book a 'land-mark survey.' Even others who claim to write about social life in Nepal end up discussing just the state initiatives on things like slavery, sati, position of women and education from once-again the 'tradition to modernity' approach (e.g., Thapa 1988, Maskey 1989). Another recent book that has tried to discuss the social lives of Nepalis is *Social History of Nepal*, jointly authored by T. R. Vaidya, Tri Ratna Manandhar, and Shanker Lal Joshi (1993). This book almost fits Hobsbawm's 'residual view of history' category since it is largely a descriptive omnibus on a diverse array of topics: people, family system, habitational sites, food habits, dress and ornaments, social entertainment, and education. However, unlike Sanwal, they do make some attempts to link the changes in our social structure, position of women, and in above mentioned themes to changes in the political apparatus of Nepal. The strength of this book lies in the encyclopedic rendition of information on those topics. Its weakness is that the authors fail to provide any tangible framework of analysis within which much of the information provided could be intelligently processed.

In their discussion of the social structure, the authors describe the Varna system and changes in it throughout the long centuries between the eras of the Licchavis and the Shahs, including Jung Bahadur's 1854 code. While the varna and allied caste schemes are important aspects of the ancient and medieval social structures, the latter can not be reduced to a hierarchy based only on the notion of ritual purity along varna or caste lines (cf. Inden 1990). As it has become increasingly clear from the related literature for India, caste was almost always a politics of hierarchy in which other notions of authority, honor, and so forth were also important (e.g., Appadurai 1981; Dirks 1987). In our own case, caste and the so-called out-of-the-world renouncers (Dumont 1980) have been shown to be very much linked with state power (e.g., Bouillier 1991a, 1991b; Burghart 1984b, 1987; Levine 1987). Therefore varna and allied caste schemes can not be described as complete entities separate from political authority. The completeness of varna and caste classifications, as much as that of the 'national caste

hierarchy' (Höfer 1979) laid out in the 1854 code, is always an ideological assertion from a position of power (cf. Chatterjee 1989).²⁷

Historical accounts as this one, based on normative and political texts and codes designed by ruling classes, tend to be limited in what they can say about the social structure of past societies as experienced by people occupying various social strata.²⁸ It is also unclear to what extent these formulae of rulers can be said to have initiated change. To say, as in this book, that the 1854 code divided the people into four general classes is easy. To study its internal logic, as done by Andras Höfer (1979) and others, is not that difficult either. But without knowing how much of that code was actually implemented, we cannot adequately assess its role in bringing about a change in the social structure. In the absence of any analytical framework, the information provided in this book on themes such as food habits, dress, ornaments and entertainment, appears in the form of discrete discussions that fail to provide a conceptual breakthrough in the writing of Nepali social history. In the conclusion the authors state that Hinduism is largely responsible for keeping the Nepali society stable and stagnant. Nepali society's stability (by which the authors implicitly mean the absence of revolutions, conflicts, cultural change and destruction) is as much the concoction of scholars as it was of the rhetoric of the Panchayat years.

I understand these limitations as evidence of how much remains to be done if we want to realize in concrete terms a more inclusive social history of our society. It is useful to remember that the central argument of Hobsbawm's article used here was a call to enlarge "social history" into "the history of society." In this schema of his, social history could never be just another hyphenated sub-field or specialization. As he said, "the social or societal aspects of man's being cannot be separated from the other aspects of his being, except at the cost of tautology or extreme trivialization" (1971:25).²⁹ History based on great personalities is of course one possible type of social historical research. But a social history that is at the same time history of the society can and must illuminate what we call the 'social' from different positions and interpretive frameworks. Eschewing a trickle-down theory of history based on the exclusive study of elite personalities does not mean that elites cannot be the subject of social history. If one lesson can be learnt from recent historical scholarship done elsewhere, it is most certainly that semiotic studies of power can illuminate the processes of domination and subordination in ways that can enhance the history of society in important directions.³⁰ Any attempt at a history of our society cannot neglect oral history for too long. In the following section, I argue in this sense that oral history must constitute an integral aspect of future historical research in Nepal.

Using Oral History

The need to use oral sources, especially oral traditions, for the writing of history in Nepal has been recognized in the past (e.g., Uprety 1992b).³¹ Some Nepali historians have made substantive use of oral history in their work (Gautam 2046 v.s.; Pangen 2049 v.s.). However, widespread suspicion regarding the academic legitimacy of oral history by "document-driven historians" (Prins 1992) continues to relegate it to the margins of the discipline. Here I first examine two published opinions on the use of oral sources and then suggest that the general neglect of oral history by Nepali historians is related to research agendas that focus narrowly on the political history of the Nepali state and more importantly to their adherence to the Rankean notion of the past 'as it actually was.' I then visit some heavily relied upon nineteenth century British writings to remind us of their dependence on oral primary sources. Oral history as method is highlighted here under the belief that its use will partially rescue Nepali history from some of its current obsessions (cf. Onta 1993b), democratize our history to some extent (cf. Thompson 1988), and extend the possibilities of our past (cf. Davis 1981) into thus far uncharted territory.

Two published opinions provide some feeling of the prevailing attitude toward oral sources as historical sources for the writing of history in Nepal. The first comes from the preface to *Nepalko Sainik Itihas*, recently published by the Royal Nepal Army Headquarters (Sharma, Vaidya and Manandhar 1992). This military history of Nepal is a collection of ten chapters written by different authors, predominantly in the 'guts and glory' mode. Such a thematic orientation prevents the possibility of a critical evaluation of the role of the army in modern Nepali society. In the editorial preface to the volume, previously published works on this subject are briefly assessed and at one place (the preface pages are not numbered) the following is written: "Another author who has written a book on the Nepali military is Tek Bahadur Khatri. In the course of discussing the Nepali military in his book *Nepalko Sainik Itihas*,³² he has put forth his arguments by giving emphasis to events he had heard. *Since most of the descriptions presented in his book are based on hearsay, the book cannot be seen as a work of scientific history.*"³³

By assuming that "scientific history" cannot be written on the basis of what is heard, the editors rule out the possibility that oral history might significantly contribute to the military history of Nepal. They do not seem to recognize that information obtained from the process of hearing need not be conflated with hearsay. Furthermore, this book fails to recognize that what living individuals, both retired and current military servicemen, have to say about their years in the military can be as important a subject of military

history of Nepal as the state's past and present organisation and administration of the military, its military policies and accounts of some great warriors.²⁴ Chapter four analyzes the recruitment and service of the Gurkhas in the British Indian army (in the British and Indian armies after 1947) within the framework of conventional diplomatic history. As I argue below, the history of the Gurkhas encompasses many other aspects that can be discussed through use of oral history. The author of the following chapter on the Nepali army's contribution in the international arena acknowledges information received from various individuals who took part in Nepali army's international peace-keeping roles, but tells very little about the men's individual experiences and history.

I will now move on to the second example, related to Rajesh Gautam's book, *Nepalko Prajatantric Aandolanma Nepal Praja-Parishadko Bhumika* (1989). The analysis of the role of the Nepal Praja Parishad as a political entity in the anti-Rana movements of the 1930s and the 1940s is presented in this book at a level of detail unmatched by any other work. Gautam resorts to written sources whenever appropriate, but his work is largely based on the oral history he recorded from the members of the Parishad, including the late Tanka Prasad Acharya, Ganeshman Singh and others from their cohort. Although Gautam does not include an explicit theoretical statement regarding his position on oral history in general, through his use of it we can figure out that he considers oral sources as both legitimate and necessary for research on the recent past.

At least four reviews of this book were published in different Nepali newspapers.³⁵ One reviewer who otherwise praised the book for what it had accomplished had the following to say with respect to its use of oral history:

"This book is largely based on interviews with people who were asked to recall events that were 40 to 50 years old. What it reports is very subjective. Therefore, on the basis of objectivity, its reports will be found to be less than convincing. I consider some reports on King Tribhuvan and his son mentioned in this book to be evidence-less and fully fictional.³⁶ It would have been better if such fictional accounts had not been included in this book.

"In the absence of authoritative records and other kinds of evidence, it is extremely difficult for anyone today to analyse the truth of what was claimed in these interviews. There was no mechanism to record these events then. They could not have been recorded. Therefore I accept that the writer had no choice

but to rely on interviews with and memories of available participants for events beginning with 1993 [v.s. when Prajaparisad was established]. Even though based on interviews and memories, this book is definitely very important.

"But scientific history writing is a difficult body of knowledge. This science tries to establish itself upon real and uncontroversial evidence. Whatever they might be, memories that are 40-50 years old cannot be accepted by this science as evidence. Science can only make tangible evidence, not memories, its basis.

"Those of us whose view of history is as stated above, despite appreciating this book's importance, cannot accept that in this research work, sufficient basis had been established for the awarding of a Ph.D. by the University. I feel that it is inappropriate and unacceptable for a university to accept memories and interviews as the basis of history writing. In this, I am in total disagreement with TU.³⁷ Nevertheless, I am in total praise for the book....*Most of the interesting descriptions given in the book are based on memories. They might be all true – in the view of the author and in my own view – but our view does not grant them a status of evidence for scientific history*" (Dixit 1989).³⁸

This review was written by the veteran writer Madan Mani Dixit. Although he is not a professional historian, I have extracted his review at such length because for me it shows the extent to which the view of history as documented in written sources has influenced educated opinions on history as science. Dixit's dilemma regarding Gautam's book based on oral history – a good work to be appreciated for sure, but not a piece of appropriate scientific history – is honestly and eloquently put. But why this dilemma?

As the Italian microhistorian Carlo Ginzburg has recently reminded us, "in any society the conditions of access to the production of documentation are tied to the situation of power" (1993:21). Ruling elites usually leave some quantity of documentation behind them.³⁹ Since historians of Nepal have, in the main, concerned themselves with the lives and politics of Nepal's rulers, they have turned to these documents as primary source material. It then becomes easy to neglect oral sources. But I think there is a more deep reason why oral history is neglected or its legitimacy doubted by Dixit and others.⁴⁰ As in the history writing traditions elsewhere at other times (e.g., Novick 1988), 'true and objective history' has been one of the disciplinary fetishes of history writing in Nepal. In practical terms, this is translated to a Rankean attempt to capture the past 'as it actually was' based on 'real and uncontroversial evidence.' Such true and objective history, "universally available to anyone who has mastered the requisite scientific procedures"

(Scott 1992:47), is opposed to what gets called subjective history – an account that is necessarily biased and susceptible to political manipulation (e.g., Khanduri 1993) – an undesirable disciplinary object.⁴¹ Oral sources are thought to be inherently biased and subjective. Thus they do not qualify as 'evidence for scientific history.'

Questions regarding the reliability of oral sources have haunted proponents of oral history for a long time. An extended discussion on this topic for our purposes is not necessary, as it has been done by others (e.g., Hoffman 1974; Prins 1992; Thompson 1988; Vansina 1985).⁴² Instead, two issues inherent in such a discussion are mentioned here. First, the relationships between written sources and the 'reality' they putatively describe need more scholarly attention in our historiography than they have thus far received. Documents are not simply repositories of tangible and uncontroversial evidence of a past reality. They construct reality as much as they reveal it. Critical historiography cannot be unaware of this.⁴³ Secondly, it is instructive to view the issue of 'reliability' and 'true and objective history' in terms of the chimera of complete and neutral history versus partial and consciously positioned history.⁴⁴ All historical accounts are necessarily – as an epistemological matter – partial and written from a particular position. Therefore, along with Rosaldo (1989) and many others, I believe it is necessary to specify, as far as possible, both these characteristics of historical work. This to me is a matter of intellectual integrity. It must be emphasized that to specify these characteristics is not to eschew accuracy which is often conflated with a claim of objectivity. Instead accuracy means that the production process of the our interpretation is clearly articulated. It follows then that our job is not to record a grand positivist claim regarding the 'truth' in history, but to provide a differentiated assessment of the subject, specifying in the process the theoretical and other assumptions used and the degrees of likelihood regarding the plausibility of our arguments.

While advocating oral history, I do not propose that we use only oral history for our writings. There might be instances where the absence of other sources might require exclusive reliance on oral sources. But on most occasions, production of competent histories requires intelligent use of a wide variety of sources. An enduring hierarchy between sources need not be established a priori. Oral history need not be naively associated with only the subaltern classes of Nepal, although I suspect that given the conditions of differential access to the production of written documents, oral sources will usually be the primary sources in the writing of their histories. As has been demonstrated by Gautam (2046 v.s.) and Pangeni (2049 v.s.) oral history can also enrich the writing of elite political history.

Anthropological studies of Nepal, led in the main by foreign researchers, have used oral sources quite extensively. Apart from the use of interviews to collect basic ethnographic information and individual oral history, some of these anthropologists have made use of native oral traditions to reconstruct the history of various peoples within Nepal. This is especially true of those anthropologists who were interested in pursuing a historical dimension to their work or were investigating the cultural histories of the people they were studying. The apparent and real lack of documentary sources that could throw much light on the history of various peoples living in different regions of Nepal was only one of the reasons that encouraged these anthropologists to consider oral traditions for their work. These oral traditions in turn have been profitably used to enrich other aspects of their ethnography as well.⁴⁵ Anthropologists in recent years have also looked at oral ritual texts.⁴⁶ While works that show how oral traditions interpenetrate the traditions of the written word and vice versa remain to be done, the contribution of the anthropologists to a deeper historical understanding of Nepal is significant.⁴⁷ However, Nepali historians are yet to adopt anthropological methods in their research. Their absence during the two anthropology conferences held in Kathmandu in September, 1992, and the absence of anthropologists during the history seminar are evidence of a lack of an active inter-disciplinary interest among the practitioners of both disciplines here in Nepal.⁴⁸

British writings on the history of Nepal during the nineteenth century are precursors to the disciplinary products of the past few decades. Writers like Francis Buchanan Hamilton and Brian Hodgson, colonial employee-scholars who were not necessarily professional historians, have made significant use of oral sources. In mentioning their works briefly here, I want to simply highlight that these works have used oral sources in ways which historians of today might find useful for their own research.⁴⁹ Hamilton visited Nepal with the Knox mission of 1802-03 and stayed in the Kathmandu Valley for fourteen months. Later on as part of an assignment for the East India Company begun in 1807, he travelled in north Bihar and other frontier areas for two years. His account is a product of substantial research which, as he mentions in the introduction to the book, is heavily dependent upon oral sources (1819:1-6).⁵⁰ Hamilton's work, especially the second part (1819:117-290), is still regarded as a good source for the political history of the hill kingdoms of central and west Nepal prior to the rise of the house of Gorkha (Stiller 1973).⁵¹ To get around the restrictions imposed by the rulers of Nepal on the staff of the Knox Mission of which he was a member, Hamilton employed "an intelligent Brahman" from Calcutta and took him to Nepal. The Brahman's information-gathering work had to be done prudently lest he offend Nepal's "jealous government" or the head of the British

Mission, Captain Knox.⁵² Since any place beyond the valley of Kathmandu was off-limits to him, Hamilton, during the course of his travels in the frontier areas, also elicited information from many other people (he provides a list of their names and the areas of which they could speak about in an "informed" manner). Among other things, they provided him with information on the various (by-then) vanquished hill principalities and their diverse peoples. Therefore, the oral nature of his sources, both in the form of interviews with people on the contemporary conditions of life in various parts of Nepal and oral history about the conquered territories, is a central fact of his work. However, the possible motives of his sources in volunteering such information cannot be adequately discerned from what he has said about them in his book.

When the British Residency Office was established in Kathmandu as part of the treaty of Sagauli which recognized the defeat of the Nepali side in the 1814-16 Anglo-Gorkha war, it provided a venue for certain administrators to do scholarly writing. Among the scholar-administrators related to the British Residency in Kathmandu, Brian Hodgson is undisputedly the best known.⁵³ Like Hamilton before him, Hodgson too relied on oral sources to gather information he eventually edited and used in his several essays. Whenever possible, Hodgson resorted to directly contacting "most respectful" persons to obtain necessary information (Hodgson 1874, part ii: 92).⁵⁴ Who these people were and how Hodgson's role as a editor and writer transformed the information they provided him, remain obscure. Nevertheless, I mention this point here to once again emphasize the central role of the oral sources in the work of the most important foreign scholar of Nepal during the nineteenth century.⁵⁵ Now I turn to some examples where oral history has or can be of use.

1. Raktapat Committee. The first example comes directly out of the political history of the anti-Rana activities, that of the so-called Raktapat Committee.⁵⁶ Prem R. Uprety writes, "This was one of the many little known organizations that sprouted in Nepal with the sole objective to reduce the Rana oligarchy into ashes; and establish a republican government in Nepal. It operated from Kathmandu as well as Cwanpore and its permanent secretary was J. B. Malla. This small group of revolutionary activists had drunk deep from the cup of Russian revolutionary nihilism that appeared in the later half of the nineteenth century" (1992a:83). According to Uprety, the Committee issued a pamphlet dated September 7, 1940, in which it criticized Rana rule in general and the then Rana Prime Minister Juddha Shumshere in particular in most trenchant terms. Later, in February, 1942, it issued another leaflet which repeated the criticism against Juddha ("He should be banished or shot dead at once.") and, for the first time, expressed "the absolute need for

inaugurating a republic in the very heart of the Himalayas" (Upreti 1992a:85).⁵⁷ Upreti adds that the Committee had "built high hopes and expected full support and cooperation from the Japanese government in their effort to establish a republic government in Nepal" (ibid). Japan's fall in August 1945 shattered the Committee's republican dream.

Rajesh Gautam, in the above-discussed book, also mentions the Raktapat Committee briefly (2046 v.s.:51-2).⁵⁸ On the basis of oral history he had collected from two members of the committee, Marichman Nakarmi and Ganesh Raj Shrestha 'Gorkhali', Gautam tells us that under the initiative of King Tribhuvan, a group of men, mostly from his personal staff, were organised and trained in the use of arms. This group consisted of the then Crown Prince, the two princes, Agni Shumshere (son of Juddha Sumshere and an aide-de-camp to Tribhuvan), Chandra Man Sainju, Ram Das, Katak Bahadur Nakarmi and the two named above. It was planned that Joodha Shumshere would be called to the Narayanhiti Palace on some pretext, and when he came he would be made unconscious. Other prominent Ranas in the roll of succession would then be invited to the same place under a fake order from Juddha and a *Kot*-style massacre (from which Jung Bahadur had emerged as the most powerful man in Nepal) would be carried out. The plan did not succeed. After its failure, the group went to Guheshwari and all the members promised, while their fingers were immersed in the water, not to tell anyone about their failed scheme. Members of this group were later arrested in 1997 v.s. by the Ranas and imprisoned for various lengths of time. Following the writing of another scholar, Gautam says that it was the Ranas who called this group the "Raktapat Committee."

It is unclear from the descriptions of Upreti and Gautam if the Raktapat Committee they each talk about is the same one. I cannot definitely resolve, way but a few comments can be made here. The man identified as Ganesh Raj Shrestha 'Gorkhali' by Gautam is my grandfather, otherwise known as Ganesh Raj Onta.⁵⁹ He was a member of the personal staff of King Tribhuvan, having obtained his job in 1990 v.s.. During the course of the action described by Gautam, he too was inducted into King Tribhuvan's scheme. According to Ganesh Raj, this group never gave itself a name and therefore it seems plausible that the name "Raktapat Committee" was given to the group during their trial in 1997 v.s.⁶⁰ It is likely that a different group of anti-Rana activists identified by Upreti were in operation during (based on their two pamphlets) at least during 1940-42, calling themselves by that name. Who J. B. Malla (identified as the permanent secretary in the first pamphlet) was is not known to Ganesh Raj. We must note that the group with which the latter was involved had mostly been arrested, along with the members of the Nepal Praja Parishad and others, during the second half of

October 1940 (Gautam 2046 v.s.:155-65) and given various prison sentences. While they were in prison, the second pamphlet identified by Uprety was issued by the Raktapat Committee in February, 1942. J. B. Malla could be a pseudonym. It is also possible that these pamphlets were the work of one individual or a small group. It is also likely that having received the first pamphlet by September 15, 1940 (Uprety 1992a:84), Juddha and the other Ranas felt that the plans of King Tribhuvan's group matched the threats included in the pamphlet and decided to call it the Raktapat Committee.⁶¹ We may never know that for sure. Nevertheless archival and oral historical research have raised the possibility of the existence of two separate groups of anti-Rana activists identified by the same name.⁶²

2. Gurkhas in Oral History. Gurkha history has been a charged field. The Gurkhas have been "a currency of diplomacy in Anglo-Nepalese relations" (Des Chene 1991) and a pet theme in diplomatic histories of Nepal. For Nepali nationalists Gurkha history either embodies celebratory Nepali bravery, or as "mercenary labor," it is a subject of deep embarrassment. Even though these two positions are usually associated with right-leaning and left-leaning politics respectively, such clean correlations are not to be found. Therefore it is fair to say that the history of the Gurkhas has been subsumed under sanitised diplomatic and nationalist history (Onta 1993b). It seems to me that we should now explore themes in the Gurkha connection that seriously engage with the lives and jobs of the Gurkhas. Oral history can make us attentive to some of these themes. Mary Des Chene's (1991) pathbreaking dissertation on the cultural history of the Gurkhas uses oral history in many an innovative way. Here I look at three booklets of oral history published by the United Mission to Nepal under its "Pipal Pustak" scheme. Like the other books in this scheme, these three booklets, published in its "Sainik Jeevan" series, are used as reading materials for recent adult literates.⁶³ They can help us to write the theme of *dukha* into Gurkha history.

In the first booklet entitled *Aaphanee Khuttama Uvine Prayas* (Trying to be Independent) we learn about the struggles of a woman whose Gurkha husband was killed in one of the India-Pakistan confrontations. After getting married, this woman did not get to spend much time with her husband. After his death, we learn about the harassment she underwent at the hands of her in-laws. Later she was able to obtain a sweater sewing machine with help from the Pension office of the Indian Gurkhas. She now makes a living that way. The second, entitled *Ladainye ko Pida* (The Pain of War) relates the experiences of Jas Bahadur Dambur Pal Magar who was wounded in the 1965 Indo-Pak war. This describes the scene of war in a vivid way: "A red river of blood was flowing on the white snow....Everywhere there were dead

bodies."⁶⁴ He recovered from the first wound only to be wounded again. Abandoned because medical personnel thought he would die, he recovered. His eyesight became bad and he was sent off on pension.

The third, entitled, *Lahureko Katha* (The Story of a Lahure), is the life-history of Om Bahadur Rana, who joined the Indian Gurkhas in 1949 and saw action during the 1962 India-China conflict. Making a living as a porter in the impoverished economy of Syangja, Om Bahadur went to Gorakhpur to get himself recruited in the Indian Gurkhas after an accidental meeting with the *gallawalla* (recruiter). In early phases of his training Om Bahadur remembers an occasion where the food he was given to eat did not satisfy his hunger. At that time, he writes, "I remembered home and I wanted to cry." During the India-China conflict of 1962, he was wounded. "Many who were nearby were killed. Many were made prisoners of war.... We went into the jungle and toward the hills to save ourselves from the attack by Chinese. It was snowing very heavily then. We could not see the sun. It snowed continuously for seven days. Many friends were abandoned on the way because of the cold, hunger and fatigue, many died. The face of those who died were covered by their own caps as we left them. Despite our efforts to save the lives of many, we could not do anything."

He continues: "We ate grass on the way. When we became thirsty we drank the ice that had melted under our friends' boots and licked some salt.... On the ninth day of our walk, I could walk no more. I thought I was going to die as well. My friends abandoned me and continued walking. I was alone. When I could not move my body anymore, I threw myself on the ground inside a cave and slept through the night. On the tenth day, there was some sunlight. My body started to warm up as well." Om Bahadur's troubles did not end there, but he was lucky. He eventually recovered and later participated in the 1971 Indo-Pak war. He was pensioned in 1974.

Dhuka remains central to the lives of these three individuals. In the first case, the dukha of a Gurkha wife is brought to our attention, whereas in the latter two cases, we learn about dukha and death in wars in which Gurkhas participated. Dukha can also be a theme that might profitably link the pre-army and post-army lives of Gurkhas in history and in the present.⁶⁵ Yet this theme finds very little mention in the historical literature on the Gurkhas.⁶⁶ This kind of oral history helps us to divert our attention to important aspects of the Gurkha connection other than the well-known charged themes. It makes it possible for us to get a preliminary view of how Gurkha warriors experienced various kinds of dukha in and out of the army. It also brings our attention to what they consider as important in their renderings of the past. Extending Gurkha history in this way begins to enrich it with themes omitted in the celebratory or denunciatory accounts written the past.

Conclusion

As I have repeatedly argued here and elsewhere, the dominant disciplinary tendency to reduce the history of Nepal to a biography of the state and the class that controls its complex apparatus is no longer tenable. A respectable history of our society that supersedes this tendency requires that we first broaden our notion of what counts as historical knowledge and claim more areas of the past as the subjects of our history. In practical terms this means that we adopt a greater pluralism in our research subjects, methods and interpretive frameworks. New research themes will have to be pursued both inside the domain of conventional political history and on the largely unexplored turf of social history as discussed here. New evidence and methods need to be used to throw fresh light on themes treated by earlier historians just as much as old evidence needs to be used to answer new questions about things we thought we knew and things we did not know. It also means that we historians will have to step out of state archives and trespass disciplinary turfs traditionally occupied by anthropologists, sociologists, folklorists, literary critics, and economists, among others. We need not follow any one particular combination of research subjects, methods and approaches. The method highlighted here, oral history, is one among many that have been heretofore largely neglected. Its adoption in our research work just as the pursuit of "history from below" approach can enrich our understanding of the past in important ways. As researchers we should remember that what matters ultimately are the results we produce and how much of the history of our society we can illuminate through our studies. Rich possibilities exist if we can rise up to the challenge of doing broad-based social history in Nepal.

Notes

1. I am variously indebted to Manisha Aryal, Saurav Bhatta, Lee Cassanelli, Rajesh Gautam, Ram N. S. Rawat, Ajay Scaria, Tek B. Shrestha, Nirmal M. Tuladhar, and Kathy White. Critical comments by Mary Des Chene and Rachel Tolen on a related paper and by my sister Lazima Onta and Sudhindra Sharma on an earlier draft of this essay have helped me greatly. Stephen Mikesell gave extensive editorial comments on the final draft. I thank them all. However, I am solely responsible for the deficiencies that still remain.
2. The most tragicomic moment of the seminar was when during discussion time on the second day a participant read out a long list of historians whose names had not been mentioned in the three papers and in the subsequent discussions. Unless such seminars are thought to be an occasion for scholarly name-dropping, it was not clear what purpose would have been served by the inclusion of these names. For

reports on the seminar, see Khanal (1993), Khanduri (1993) and Onta (1993e).

3. For the purposes of this paper, the "modern period" refers to the years since the 1740s. Vaidya has suggested that the "periodization of Nepalese history should be reclassified on the basis of some important events which have proved to be a turning point in the history of the country. Further research on the subject will reveal many things which will be helpful in the scientific periodization of Nepalese history" (1993:7). Instead of hoping for some scientific periodization that will be valid for all historical inquiries, I find classifications that are based on the thematic requirements of the concerned research to be more helpful.
4. Almost all disciplinary historians of modern Nepal are Nepalis (Onta 1993b). This essay is targeted to that group of Nepali historians.
5. See Adhikari (1980, 1993), Gautam (2041 v.s.), Stiller (1974) and Upreti (1993) for general discussions on the historiography of the modern period. See also Sharma, Stiller and Uprety (1978). Despite the important contributions made by historians of the Samsodhan Mandal, an obsession with elite political history also marks their work. A thorough evaluation of the contributions of the Mandal – which also pays adequate attention to its genesis and growth, the later decline in the number of its members and the intellectual differences between them, debates between the Mandal and other historians – will make for an interesting project in the history of the discipline in Nepal. See also an interview with Jagadish C. Regmi by Ramchandra Gautam (2049 v.s.).
6. A similar attitude can be detected in political science writings in Nepal (see Onta 1992b).
7. Nepali poets have also noted the absence of 'the history of the people' (e.g., "Unwritten History" by T. R. Onta 1984:11-12)
8. For an extended discussion of 'people's history' see Samuel (1981). In one place, he writes, "People's history always represents some sort of attempt to broaden the basis of history, to enlarge its subject matter, make use of new raw materials and often new maps of knowledge. Implicitly or explicitly it is oppositional, an alternative to 'dry as dust' scholarship, and history as taught in the schools. But the terms of that opposition are necessarily different in different epochs and for different modes of work" (1981:xvi, my emphasis). As he also points out, 'people's history' has a long history of its own that is associated variously with left, liberal and right-wing usages. Also see Burke (1981).

9. I use the word subaltern to refer to the oppressed in any social relationship.
10. In Trevelyan's defence we need to state that in the same paragraph where he presented that definition of social history he also wrote, "It is perhaps difficult to leave out the politics from the history of any people, particularly the English people. But as so many history books have consisted of political annals with little reference to their social environment, a reversal of that method may have its uses to redress the balance. During my own lifetime a third very flourishing sort of history has come into existence, the economic, which greatly assists the serious study of social history. For the social scene grows out of economic conditions, to much the same extent that political events in their turn grow out of social conditions. Without social history, economic history is barren and political history is unintelligible" (1978[1942]:1).
11. Economic history also had a headstart in India primarily as an effort on the part of Indian nationalists to understand and critique colonial economy (Chandra 1966; Bhattacharya 1982).
12. The separation between economic and social history came as economics rushed to become the 'queen of social sciences', within which economic historians increasingly became cliometricians. Those historians still interested in questions related to the economy but who eschewed the mathematically precise pretensions of the economic historian preferred to call themselves social historians. But according to Hobsbawm, far more significant a reason for the rise of social history was the "general historization of the social sciences which took place during this period" (1971:23). This happened at a different rate in the different disciplines and for different reasons, but as a general realization that as social scientists you could not pursue many of your analytical activities "without coming to terms with social structure and its transformations," that is, the history of societies, was common to all (1971:24).
13. Ghimere's book is reviewed elsewhere (Onta 1993a). Whelpton, in his letter to the editor, reminds me that the works of Mahesh C. Regmi and Ludwig Stiller are "very much concerned with the ordinary people of Nepal as 'victims of history'" (1993b:2). I will return to this point shortly.
14. See for example Manandhar (2048 v.s.:143-47), Nepal (2040 v.s., 2050 v.s.:77-91, 109-11, 144-60, 173-82) and Rana (1980[1909]:302-4). Scattered references to 'disturbances' can also be found in the Regmi Research Series (e.g., 20(5):67-68, May 1988). For the 1840

- army mutiny and for the case of 'near mutiny' by a Gurung regiment against Jung Bahadur in 1857, see Whelpton (1991:73-86, 210-12). For anthropological writings, see Aziz (1993), Caplan (1970), Enslin (1990), and Upreti (1975). Low-caste protest is mentioned in Joshi and Rose (1966:43).
15. Aziz (1993) also makes a point about how Yogamaya is not remembered in Nepali historical consciousness. This is acknowledged with embarrassment by the late Parijat in a letter appreciating Aziz's research on Yogamaya (see Parijat 2048 v.s.:29-31).
 16. These observations warrant comparison with cases observed elsewhere in the subcontinent and beyond. The ruthless violence used by Nepal's rulers to put down these rebellions and the language used by writers and historians to represent them also deserve our attention. For instance, the language employed by Pudma Jung Rana to describe Lakhan Thapa the Second's rebellion (e.g., 'fanatic') reminds one of what Ranajit Guha has called "the prose of counter-insurgency" (1983).
 17. Some descriptive writings on "position of women" in Nepali history do exist (e.g., Thapa 1985, 1988; Sanwal 1993:66-72; Vaidya, Manandhar and Joshi 1993:96 - 137). For anthropological writings, see Aziz (1993), Enslin (1990, forthcoming), Holland and Skinner (forthcoming), Parajuli and Enslin (1990), Skinner, Valsiner and Basnet (1991), Skinner, Holland and Adhikari (forthcoming), and Thompson (1993). Enslin, and Skinner et al. have taken up the performances and texts of the songs of teej as instances of resistance. While their discussions are informed by current contributions in social theory on this subject, for a similar treatment coming from a different intellectual context, see Parajuli (2051 v.s.). However, I hope teej songs will not become the only staple for this sort of analysis and scholars will continue to search for other instances and texts. For theoretical discussions of gender in history, see Scott (1988, 1992).
 18. For instance, see Abu-Lughod (1990). But see Ortnier (forthcoming) for a critique of the ethnographic thinness of the 'resistance' literature. For caution against the romanticization of resistance, see Adas (1991).
 19. For discussions of the former, see the corpus of Mahesh C. Regmi, Adhikari (1984), and Edwards (1976), among others.
 20. The theme of culture and consciousness of subaltern classes for the case of Indian history has been raised most vigorously by historians belonging to the Subalten Studies group (see Guha 1982-1989; Chakrabarty 1991). Other Indian historians have also worked on this theme (e.g., Ramchandra Guha 1989; Menon 1993). The relevant

literature for the case of European and American history is quite large. For a discussion on the contradictions that might be involved in the valorization of the popular, see Strauss (1991, 1993) and Beik (1993). For recent overviews of 'history from below' see Hobsbawm (1985) and Sharpe (1992).

21. Also see the interview with Regmi in Gaenszle (1992a) and Regmi (1993a).
22. Stiller also writes that the needlessly large army was also restless. The 'roll' system (one year of paid active service followed by two years of unpaid stand-by duty), irregularity of pay emanating from difficulties within the jagir system, and restrictions of promotion were three of the main causes of restlessness within the army (1976:205 -12). The relationships between this restlessness, including the stunting of the possibilities of social mobility through a career in the Nepali army and the growth in Gurkha recruitment in the British Indian army during these 'silent years', remain to be studied. Stiller also provides important insights into village justice and its relationship with rent/tax collectors, and Sanskritization through state means and its dialogue with local customs. I cannot do full justice to the many other insights presented in this book here.
23. I was reminded of this question most recently when I read Adrian Sever's *Nepal Under the Ranas* (1993). Sever claims in his preface that his is a "history of peasants as well as prime ministers" and that it provides "some small insight into the world of the unnamed, unsung peasantry of rural Nepal." These are laudable sentiments, but this book – its narrative is organized around the regnal years of the successive Rana rulers and its contents borrowed from previous works without proper acknowledgement – teaches us next to nothing about the the worlds of Nepali peasants. Mahesh C. Regmi has rightfully accused Sever of using his material without giving him proper credit (1993b:25). The photographs included in Sever's book, however, could be useful visual evidence to historians interested in Rana history.
24. For an example that partially illuminates my point, compare Shrestha's (1990) general account of labour migration from the Nepali hills with Des Chene's (1992) account of Gurung journeys in search of wage labour. Pigg (1992) is illuminating on the theme of bikas as viewed from different locations within Nepal. The studies by Italian microhistorians could also be instructive. For overviews of their work, see Ginzburg (1993), Levi (1992), and Muir (1991).

25. With respect to other themes in economic history, vertical trade linkages connecting North India to Tibet via Nepal, that preceded Nepal's unification and existed in important ways until recently and their relationship with the Nepali state, remain to be comprehensively documented. For recent works focussing on various aspects of the trade with Tibet for the case of Newars, see Jest (1993), Lewis (1989, 1993a, 1993b). By the middle of the nineteenth century, mercantile capitalism's exponents were important players in the economy of the central hills (Mikesell 1988). How these exponents mesh with what Regmi and Stiller have taught us is unfortunately not very well worked out by Mikesell or anybody else for that matter. Similarly we know little about short and long-distance labour networks that existed amongst the peasantry and about remittance economy in general. Also with respect to the twentieth century, one important question that we might pursue is, what was the economic base of the anti-Rana politics.
26. For a separate review of this book, see Onta (1993d).
27. The relationship between political power and caste can also be seen in the Ranas' invention of an elevated caste status for themselves (Whelpton 1987). This happens to be the best known case in our period and there are others that remain to be fully documented.
28. This limitation can also be seen in Vaidya and Manandhar's (1985) historical discussion on the important topic of crime and punishment in Nepal.
29. So in this sense, social history is equivalent to what historians from the Annales school have called 'total history' (Burke 1990).
30. Here one recalls what the American anthropologist Clifford Geertz once wrote: "The locus of study is not the object of study....where an interpretation comes from does not determine where it can be impelled to go" (1973:22-3).
31. Jan Vansina defines oral traditions as "verbal messages which are reported statements from the past beyond the present generation" (1985: 27). Ajay Scaria prefers to call oral traditions "transmitted past", because more often than not, the literature on oral traditions tacitly assumes that these traditions are universally shared or at least widely shared by the community under study. By calling it 'transmitted past', he wants to emphasize the contestatory nature of these traditions (1992:11fn33). See also Prakash (1990). My use of the term 'oral traditions' combines the sense given to it by Vansina and Scaria and I use the term 'oral history' in this paper to refer to oral accounts of a past that is contemporary to the narrator.

32. I have added this footnote. Here the editors have made an error with respect to the title of Khatri's book, although they give the correct title in the bibliography (1992:621). It is *Sahi Nepali Senako Itihas* and was published in 2041 v.s..
33. My translation and emphasis. I have translated *janashruti* of the original as hearsay. Pradhan and Pradhan (1983:213) also give rumour and common talk as synonyms to hearsay.
34. See chapter seven written by Shiva Prasad Sharma and Kamalraj Singh Rathaur for the great warriors who incidentally are all from the unification era that began with Prithvinarayan Shah and ended with the treaty of Sagauli. See Chapters 2, 3, and 9 for military organisation/administration and policies.
35. The book was also given the prestigious Madan Puraskar for the year 2046 v.s..
36. It is unclear which reports mentioned by Gautam are considered 'fictional' by this reviewer.
37. Gautam had received his Ph.D. from Tribhuvan University (TU) for this book.
38. My translation and emphasis.
39. Cf. the notes on business records by Mikesell and Shrestha (1990: 78-9). Even though the merchant records which included "ledgers, letters, purchase orders and receipts, railroad freight-bills, shipping insurance documents, court and other litigation records, and tax and land records" are not 'official' documents, they "provide documentation for the extension and rise of a major new form of state representing the global dominance of capital, as it was experienced in Nepal. Importantly, the documents give insight into the struggle of capital to establish its control and legitimacy in the countryside" (ibid).
40. Paul Thompson writes: "...the opposition to oral evidence is as much founded on feeling as on principle. The older generation of historians who hold the chairs and the purse-strings are instinctively apprehensive about the advent of a new method. It implies that they no longer command all the techniques of their profession. Hence the disparaging comments about young men tramping the streets with tape recorders" (1988: 71). Prins suggests that the historians' pride in writing and their respect for the written word make them "hold the spoken word in contempt" (1992: 116).
41. For a relevant discussion of professionalism versus politics, history versus ideology, and politics versus theory, see Scott (1992).
42. A useful set of essays on oral history can be found in Dunaway and Baum (1984).

43. On the rhetorical aspects of this, see LaCapra (1985), among others.
44. I owe this particular formulation to Mary Des Chene.
45. To list only a few examples, see Burghart (1978), Clarke (1980), Gaenszle (1993), Gauchan and Vinding (1977), Oppitz (1974), Ortner (1989), Ramble (1983), Stevens (1993), and Vinding (1978). See also Jest (1991). For oral traditions as origin legends, see for example, Dahal (1985), Holmberg (1989), Levine (1976), McDougal (1979), Messerschmidt (1976), Oppitz (1983) and Rai (1985). A one-day seminar on "Oral Traditions and Literature in Nepal" was organized on 22 May 1992 by the University of Heidelberg South Asia Institute, Kathmandu Branch Office in Kathmandu. A brief report on the seminar by Martin Gaenszle can be found in the European Bulletin of Historical Research, N.3, 1992, pages 63-5. Other examples of the use of oral sources in anthropological studies of Nepal by French and German scholars also exist. Their publications, however, are mostly only available in French and German, languages that I cannot read.
46. See, for example, Holmberg (1989), Mumford (1989), and Strickland (1983). This literature has been recently reviewed by Gaenszle (1992a). See also Höfer (1992).
47. I am not aware of any comprehensive review highlighting this aspect of the anthropological literature of Nepal. One might read James Fisher (1985) and Dahal (1993) for general reviews of the anthropology of Nepal, and Onta (1992a) and Pfaff-Czarnecka (1993) for discussions of its relationships with the development process of Nepal.
48. The discussion about the 'meeting' of history and anthropology has actually taken place in many levels and has encompassed questions related to method, theory and disciplinary turfs. There have been suggestions made that interdisciplinary research does not mean just combining the methodological and theoretical concerns of history and anthropology, but it involves "exploding" one discipline with another so that neither remains the same thereafter. See Cohn 1987, Davis 1981, Dirks 1987, Sarkar 1985 for just some examples of this discussion. A comprehensive discussion on this topic for the case of Nepal is long overdue.
49. While a comprehensive rereading of these sources as has been done for colonial history of India is now due for Nepal, I am not able to do that here.
50. The reference to page numbers are to the 1986 reprint published from New Delhi by Asian Educational Service. On Hamilton's research work on India, see Vicziany (1986).

51. Tek Bahadur Shrestha, historian at CNAS with extensive research experience on the immediate pre-unification history of Nepal is of the opinion that subsequent research has found Hamilton's sections on political history of the Baise and Chaubise kingdoms to be remarkably accurate (personal communication, 1992).
52. On the relationship between information and empire for the case of India, see Bayly (1993).
53. He was a pioneer researcher by many counts. Besides being central to the resurgence of Buddhist studies in the subcontinent, Hodgson wrote many essays on the language, people, flora and fauna of the Himalayan region. His collection of essays (1874, 1880) are a valuable source of pre-ethnographic work on Nepal. His contributions to Himalayan ornithology have been described in Cocker and Inskipp (1988). See Hunter (1896) for a dated biography of Hodgson. Many volumes of Hodgson's unpublished writings – administrative, scholarly, personal – are now located in the National Archives of India (New Dehi) and in various libraries in Europe.
54. See also Hodgson (1880ii: 211). Contact between ordinary Nepalis and the Residency staff was severely discouraged, and Hodgson is known to have used "agents" for his scholarly endeavors.
55. Among the works published during the last decade of the nineteenth century and first half of this century, military handbooks on the Gurkhas of the British Indian Army, written with an aim to facilitate the work of Gurkha recruitment officers, contain chapters on the history and "customs" of the inhabitants of Nepal. The first editions were put together by Eden Vansittart, the chief Gurkha recruitment officer between 1888-95. Since Nepal was off-limits to British recruiters, Vansittart and his successors relied on oral reports of the temporarily displaced Gurkha natives/soldiers even as the published works of Kirkpatrick, Hamilton and Hodgson served as important references. I have written more on the contents of these handbooks elsewhere (Onta 1990, 1993c). A more sophisticated analysis can be found in Des Chene (1991).
56. See Hamal (1986) for a rather unusual kind of historiographic discussion regarding the literature on anti-Rana political activities.
57. Uprety found the 1940 and 1942 pamphlets in the archives of the Foreign Ministry of Nepal when it was still open to scholars. They are reproduced as appendix A and E respectively in his book (1992a: 186-91, 195-96). There are some minor discrepancies between the text reproduced in these appendices and their extracts included in Uprety's

- discussion. Upreti had discussed the Raktapat Committee in much the same way in his earlier book (1984: 244-46, 249-51).
58. Gautam's book is not mentioned by Upreti (1992a). Gautam, who also did research at the Foreign Ministry Archives, in turn, does not refer to the two pamphlets of the Committee.
 59. In the list of persons who were punished in 1997 v.s. by the Ranas published by Dinesh Raj Panta (2043 v.s.: 39), his name is given as Ganesh Raj Shrestha and address as Thamel. In the list presented by Gautam (2046 v.s.: 410) in his Appendix 27 (which he obtained from an unpublished manuscript in the possession of late Marich Man Nakarmi, a driver who worked for King Tribhuvan), he is identified as Ganesh Lal Shrestha of Thamel.
 60. Interviewed on various dates in 1992-93. Their trial was put under the section of Narayanhiti parba phant (Upreti 1992a:79). Ganesh Raj and Marich Man were two of those who were sentenced for twelve years in jail. After serving five years of their sentence, they were among those released in 2002 v.s..
 61. Just as the arrested members of the Praja Parishad were tortured in the course of investigation (Gautam 2046 v.s.:169 -72), members of King Tribhuvan's group were beaten up while information was sought from them. In one such beating, the fist of Bahadur Shumshere knocked off two front teeth of Ganesh Raj.
 62. In Panchayat-period writings the anti-Rana movement was described in a breathless narrative of liberation from Rana autocracy. Anyone involved in anti-Rana politics was described as a "freedom fighter." The personal agendas and politics of those thus described were all subordinated to the grand narratives of 'awakening' and 'revolution'. Just as it is important to reevaluate Rana rule in general (Whelpton 1993a; Sever 1993), it is high time to begin to look more carefully into the agendas and politics of anti-Rana activists. The democratic credentials of those called 'martyrs' and 'freedom fighters' need not escape scrutiny. Shukra Raj Shastri, one of those executed in 1997 v.s., had dedicated at least one of his books to a Rana prime minister. See also Thulung (1988). Such contradictions need to be discussed if we are going to have a history that is critical of the grand claims made by nationalist narratives. If being democratic includes having the humility to acknowledge one's mistakes and having respect for the opinions of those who are younger than yourself and a belief in gender equality, then Ganesh Raj, despite his contributions to the anti-Rana movement, is not one.

63. Kathy White (personal communication, 1993). Also see "Stories from the Heart of Nepal" Himal May/June 1994, p. 43. The three booklets discussed here are similar to what is called testimonio or testimonial narrative (Beverly 1989). Beverly defines testimonio as a "novel or novella-length narrative in book or pamphlet (that is, printed as opposed to acoustic) form, told in the first person by a narrator who is also the real protagonist or witness of the events he or she recounts, and whose unit of narration is usually a "life" or a significant life experience" (1989:12-3). He suggests that while in oral history the intentionality of the recorder (researcher) is paramount, in testimonio it is the intentionality of the narrator that is paramount. I find this distinction to be less than convincing. L. Onta introduced me to the literature on testimonial narratives.
64. All translations from Nepali are mine.
65. For more on this, see the issues of Gorkha Sainik Awaj, a magazine that claims to represent the interests of all former and serving Gurkhas.
66. Uprety (1984: 104 - 08, 236-37) is an exception. An elaboration of this theme is under process in my forthcoming dissertation. For examples of attempts by scholars of south Asia to include pain and violence in academic discourse see, among others, Das (1990) and Pandey (1992, 1994).

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PEOPLES AND POLITY: ETHNOGRAPHY, ETHNICITY AND IDENTITY IN NEPAL

Tom O'Neill
McMaster University
Hamilton, Ontario

Introduction

The uprisings in Kathmandu during the spring of 1990 brought to an end a thirty year experiment with a "democratic" form of government in Nepal based on hierarchy and ideology headed by the nation's monarch. That experiment was popularly deemed failure, as it constrained both Nepal's development as a modern, industrializing nation state and the aspirations of millions of its own people who, for reasons of ethnic or caste affiliation, remained disadvantaged and oppressed in the former regime (Country Paper 1993; Raeper and Hoftun 1993). This dramatic break with the past set various ethnic, caste, and class interest to the task of renegotiating a new national framework of relationships.

Nepal, a nation of diverse societies separated until comparatively recently were separated by the harsh geography of the Himalayas and the north Indian plain, has been controlled and exploited by a hill brahmin (in Nepali, Bahun) and ksatriya (Chetri) nobility. Prithivi Narayan Shah, the Gorkha Chetris king who "unified" the country in the late eighteenth century, referred to his new kingdom as a "garden bedecked with four *varnas* and thirty-six *jats*", the four traditional castes of the Hindu *varna* system, by which the Hindu *paharis* of the lower middle hill regions were organized; and the thirty six known "tribes" of predominantly *jati* peoples – who made up Nepal's known indigenous populations of "Buddhist" "Hindu" and "animist" peoples and occupied the higher hill and mountain ranges to the north (Sharma 1992:7).¹ This caste and ethnic schema has been since Prithivi Narayan Shah's conquest of the substratum on which powerful relations were organized between the highest castes and the lower *jat*. This substratum was codified in the *Muluki Ain* of 1854, a legal code that prescribed different kinds of rights based on a religiously sanctioned schema. Despite the political victories of 1990, there are those within Nepal who claim that this hierarchical substratum still exists (Country Paper 1993; Tamang 1992).

Recently, the "supremo" of Nepal's ruling Congress party, Ganesh Man Singh, a Newar, accused his party comrade and Prime Minister, Girija Prasad Koirala, of favouring his fellow Bahuns in government largesse, contributing to the political crisis in the summer of 1993 which at times paralysed life throughout the country.² The prominence of Bahuns in positions of government influence, *bahunabad*, is increasingly coming under scrutiny in the post 1990 political transformation (Sharma 1992:8; Gurung 1992). Further, political movements organizing themselves around *jati* ethnic identities are pressing for differing levels of self determination from the central regime (Country Paper 1993). Ethnicity, along with such other forms of social identity as class and gender, has become a site on which the discourse about Nepal's future social and political structure is being engaged. Ethnicity for most Nepalese is bound up with kinship, language, regional and religious affiliation. Prayag Raj Sharma, in a 1986 article that in many ways anticipates the post-1990 context, defines ethnicity as characterized by a "rudimentary" sense of collective feeling that demonstrates little organizational tendency (Sharma 1986:131). Yet ethnic groups within Nepal, as well as elsewhere in the world, are engaged in emergent politics, and construct knowledge about themselves in part from the knowledge generated by others about them. Sharma, along with other Nepalese social scientists, warns of the consequences that this knowledge could have in volatile political circumstances (Sharma 1986, 1992; Shah 1993):

In the anthropological works mainly written by westerners about Nepal, brahmins have been depicted as a class of exploiters in relation to the ethnic groups.... They too are perhaps unwittingly being given an ethnic identity of their own. If this style is to prevail there might emerge several caste groups trying to mark their social boundaries very much along the ethnic lines and considering themselves to be quite apart from the rest.... These are all, no doubt, circumstances fraught with divisive tendencies capable of new tensions (Sharma 1986:133).

The grim anticipations of Sharma and others in Nepal stand in contrast to views of some anthropologists, who see nothing to fear in *jati* peoples being given more autonomy and allowed to develop their own unique institutions (Country Report 1993; see also Bista 1991, below). The diversity of Himalayan cultures has been celebrated in anthropology since Nepal opened to the west in 1951. Early writings warned of the probable annihilation of this diversity, rendering Nepal part of "the grey uniformity threatening to

spread over the greater part of the world (von Furer-Haimendorff 1981:xvi). Some of them saw signs of this degradation in their early travels, like David Snellgrove, who brought his expertise in the Tibetan language and religion to bear on an ethnographic "pilgrimage" in the late 1950s:

Perhaps it is respectable to call oneself Hindu, and a sign of enlightened education to despise all religion. The older folk are bewildered, for no one in Tukcha has the necessary knowledge to argue the validity of the old religions and they see the basis of life crumbling away. Our lama-host was himself the product of this unhappy environment. 'Is it true' he once asked me, 'that there are six spheres of possible rebirth?' I found myself speaking in defence of the Buddhist doctrine, explaining the relativity of existence and the basic truth of phenomenal impermanence (Snellgrove 1981:177).

The irony of a western textual scholar teaching a lama in Nepal the finer points of orthodox Buddhism highlights the retrospective understanding scholars like Snellgrove had of pristine Himalayan cultures. The "Buddhist" people of Tukchā, in the Kali Gandaki valley, appeared to be losing their religion, and a sense of their own identity through a process of "sanskritization", euphemistically known in contemporary census reports as "attrition to Hinduism" (Holmberg 1989:15; HMG 1993). The earlier work of both Snellgrove, von Furer-Haimendorff and others was invaluable in providing our first glimpses of Nepalese diversity, but their representation of the diversity was overstated, and they underestimated the resilience and mutability of culture forms. Communal identity for Snellgrove was based on some kind of orthodoxy through which "each group" as a contemporary critic puts it "becomes an artifact of its own origins" (Holmberg 1989:14). Do categories such as "Buddhist", "Hindu", *jati* or *pahari* obscure the range of similarities and the degree of integration between them in the Nepalese context? Has ethnography moved from a fascination with pure cultures towards an appreciation of the processes by which peoples, both in the past and in the present, organize or contest their differences under one national roof?

This paper intends to review what I consider some of the most recent and more significant ethnographic writing on Nepal, with a view to the questions above. In it I will contrast earlier assumptions of cultural disintegration and exploitation to the more recent insights that people resisted and shaped the structures of those who ruled them. First I will review a number of recent writings on Nepalese ritual and culture, and question whether ethnic identities

flowed from religious orthodoxies, as these provided the categories by which the *Muluki Ain* classified Nepal's diverse population.

Orthodoxies

The Gurungs in their own country are really Buddhists, though they will not admit it in India. To this day in their own homes are Lamas and Giabrings, but when serving in out regiments they submit to the Brahmins and employ them for all their priestly functions. They say with true philosophy 'Vaisa des vaisa bhes' which might be translated as 'Do in Rome as the Romans do' [British Gurkha recruitment officer, quoted in Ragsdale 1990:1]

It was partly the Gurkha regiments, Nepalese mercenaries fighting alongside British and Indian armies, which brought the Himalayan kingdom to the attention of the outside world during the nineteenth century. Regiments of Gurkhas had been instrumental in putting down the Indian "Mutiny" of 1856-7, a deed that not only won respect for these soldiers, but a knighthood for the first Rana oligarch, Jang Bahadur Rana, who inaugurated over one hundred years of authoritarian and reclusive rule in Nepal (Whelpton 1993:13). Yet the term "Gurkha", a gloss of "Gorkha", the home of Prithivi Narayan Shah, does not refer to any distinct Nepalese cultural group. Rather the ranks of these regiments were populated predominantly from Gurung and *jat*.

The Gurkha regiments did play a role in integrating these peoples into a national framework. The education given to Gurkha recruits was given in "Gurkha" as Nepali was known in the nineteenth century, and their operations were conducted in the language. Gurkha soldiers after demobilization received lucrative pensions from the British increasing their status and that of their wider families (Ragsdale 1990). But the "philosophy" of Gurung soldiers as rendered above is not exactly "do in Rome as the Romans do." It has little to do with "doing" anything, other than adopting the clothing (*bhes*) of the guest country (*des*).³ In "submitting" to the Brahmins, and by extension the hierarchical categories of the Gorkha conquerors, Gurung recruits paid a price for the benefits that followed from national patronage. This was one of many such cultural transactions conducted in Nepal between the powerful and Nepal's "indigenous" peoples. In agreeing to wear the national costume or speak the national language, however, peoples also won some rights to their own communal identity; it is not clear, as an earlier ethnographic discourse might have claimed, that these transactions were a complete sell out.

The distinction between ethnic or caste groups by Nepalese national discourses has been, and is still, drawn on the basis of traditional religious affiliation of linguistically distinct groups (Sharma 1986, 1992; Statistical Pocket Book 1992:22-23). A great deal of ethnographic writing has until recently assumed that these distinctions defined the cultural landscape of Nepal, and accordingly has emphasised religious identity in their representation of Nepal's ethnic diversity. Whether a given group is "Buddhist", "Hindu", or has strong "Tribal" or "Shamanic" influences, it has been the ritual life of a bounded social entity by which Nepalese cultures have come to be known to the outside world.

Sherry Ortner's 1978 book, *Sherpas Through Their Rituals*, and analysis of the ritual life of the Sherpa people of east-central Nepal, almost defines an ethnographic sub-genre which views the whole of a "culture" through the lens of religious ritual. Ortner views Sherpa core social contradictions, such as those between family and community interests, as mediated through local Buddhist ritual symbolism. Lay Buddhist rituals mediate between the exterior influence of a religious orthodoxy and local interpretations of it. What western scholars have assumed to be the renunciate and world rejecting thrust of orthodox Buddhism (see, for example, Dumont 1980; and for an opposing view, Tambiah 1976), according to Ortner underlies Sherpa ritual mediations which affirm the essential "atomism" of Sherpa society:

Nyungne is the most orthodox of the lay rituals, and its structure embodies the ideal Buddhist progression of consciousness, whereby one is moved from an experience of social embeddedness to a sense of one's problems as purely existentially generated and hence spiritually solvable. Nyungne is designed to produce true Buddhist individuals, socially detached expecting nothing from others and giving nothing from others (Ortner, 1978:164).

The *Nyungne* ritual, whereby Sherpas atone for sin while observing strict renunciatory vows for a limited time, is confined in this analysis to the actions of individuals. Obscured here is the participation of members of the wider community, who serve as sponsors and who collect to celebrate the completion of the *Nyungne* retreat with the *Tso* feast, which "nearly the entire village attends" (1978:35). This over precise examination of the ritual component of a community event tends to minimize its reciprocal elements, while at the same time it supports the idea that Sherpa society essentially atomistic, a picture of a "culture" seen through a specific and orthodox ritual act. Symbolic analysis illuminates the dynamics of religious and social life

but is by itself only a partial view that in the context of Nepal's ethnic diversity is all too often taken as the whole. Ortner herself recognizes this problem of representation in a later book, noting that the "atomism" that she observed in her research contradicted the observations of other observers of Sherpa life:

I now think, however, that the differences are relatively real and objective, and are essentially region differences: von Furer-Himendorff worked in the Khumbu and I, initially, in Solu. I later worked in Khumbu as well, and the people of that region did in fact appear more cooperative and community oriented... I note... (this) here simply because, after 30 years of varied ethnographic research among the Sherpas one can no longer give a simple account of their style and ethos (Ortner, 1989:6).

In this later book, *High Religion* (1989) Ortner moves firmly away from considerations of tightly defined rituals to a more comprehensive analysis, through the practices of key individuals, of how the construction of Sherpa celibate monasteries in the early twentieth century occurred in the context of the political economy of the Sherpa community. The influence of Buddhist monasticism, which had been minimal in Sherpa ritual life before the emergence of these monasteries, was a cultural development produced by both contests among powerful Sherpas and the growing participation of the less powerful in the Darjeeling (Indian) cash economy. This both facilitated their contributions to monastery building and freed them to some extent from the economic demands of Rana taxation and tribute (Ortner 1989:165). "Simple accounts" of a culture's ethos, where divorced from historical contexts (or where that context is confined to an introductory chapter), may be valid from various theoretical perspectives, but too often they obscure important nuances of variation within a society. Ortner develops an ethnographic method that breaks through the confines of statically defined cultural categories to a richer, integrative account of the life of a wider community. Orthodox ideals here are not exterior influences, they emerge rather through the practices of social life and are at every historical turn actively interpreted.

Until comparatively recently the Sherpa villages of the Solu-Khumbu regions have been isolated from events in Kathmandu and the emergent national ideology. Moreover, the early association of Sherpas with Westerners through Himalayan mountaineering over the past one hundred years placed them in a privileged position as Nepal became increasingly integrated into a wider world system (Ortner 1989; Fisher 1990; see also Stevens 1993). This was accomplished without the mediation of the Nepalese

state, as was the case with Gurung or Magar soldiers. As a result, Sherpa society has retained much of its communal identity, something that for other groups, closer to the source of national power in Kathmandu became a much more contested matter.

The Tamang, another predominantly Buddhist group, which have traditionally inhabited the hills and mountains around the Kathmandu valley, faced a much more direct and pervasive influence from the centre. Tamang men had little access to the foreign influence and wealth enjoyed by Sherpa labourers in Darjeeling or Gurkha soldiers in the pay of the British army. Tamangs, both men and women, were often coerced into exploitive labour relations with valley elites (Tamang 1992). The low status of the Tamang during the years of Rana rule forced their social and religious identity into a process of "introversion" in which cultural forms such as ritual became disconnected from wider influences, such as Tibetan orthodoxies, or from full integration with the Nepalese national religious ideology (Holmberg 1989:174).

In an analysis of ritual life, David Holmberg (1989) focuses on Tamang ritual in its wider contexts, emphasising the reciprocity between ritual specialists, the Buddhist *Lamas*, Shamanic *Bon-pos* and sacrificial *Lambus*. Unlike the Tibetan influence on the Sherpa monastic movement of the twentieth century, orthodox influences were effectively ended by the enforced isolation of northern Tamang peoples from Tibet by the Kathmandu government. Orthodoxy in Tamang life coexists with forms of shamanic healing and sacrifice that are antithetical to Buddhist moral restrictions on the taking of any life. Holmberg questions the usefulness of Robert Redfield's famous model of "great" and "little" traditions, suggesting that, for at least the Tamang, these are not discrete poles implying a unidirectional authority, but are instead dialectical, modified by political and historical circumstance.

The tension between a Buddhist orthodox opposition against blood sacrifice and local sacrificial practices was further sharpened by the national religious regime imposed by Hindu valley elites. The yearly *Dasain* festival, still a national holiday and an important element in what Holmberg describes as an additional "all-Nepal (ese)" religious realm (1980:4), was in part a sacrificial cult devoted to the Hindu goddess *Durga* that the Tamang were compelled to participate in. While Sherpa communities "celebrate" *Dasain* with a merit making feast to counteract the sin of sacrifice (Ortner 1978:130), in Tamang villages *lambu* perform propitious sacrifices which are tolerated by Buddhist lamas who in practice often hire *lambu* to carry out services which would be repugnant to themselves as *lamas* (Holmberg 1989:226). The uneasy division of labour between Tamang religious practitioners was based on local motivations and conformed to the ideological demands of the centre. The

predominant local "tradition" was constructed, then out of Buddhist orthodoxy and political expediency. It was also directed more towards the worldly concerns of villagers than the salvation of individuals. Like the Tamang many Tibetan groups in the north frustrate images of Himalayan cultures as pristine Buddhist societies by combining seeming contradictory practices into a tradition. David Snellgrove's expertise in the textual authority of Tibetan Buddhism could only partially prepare him for what he observed during his Nepalese pilgrimages. Western frustrations aside, the more interesting and important anthropological problem lies in the discrepancy between orthodoxy and lived reality in highland Nepal, in a tradition "...which manifests itself as the compromise between the effort to live according to the rule and the exigencies of living in the world at all" (Ramble 1990:186). The Tepas, a small Tibetan society in Mustang District, for example, is a superficially Tibetan Buddhist regime that incorporates an important sacrificial cult directed towards ensuring seasonal crop growth. Tepas cultural "tradition" is seen by Ramble as an aggregation of individual practices which use a "great tradition" as a kind of "raw material" (1990:188). Ironically, Buddhist orthodox discourse dissolves "Buddhism" itself as an essential form:

Buddhism is in fact just one of the tradition phenomenon which interact on the periphery, as it were, to produce the illusion of the centre. Break the chain of interdependent causes, dismantle the aggregates, and there is nothing at all (1990:197).

Breaking with what he calls the "two part narrative" of "great" and "little" traditions, Stan Royal Mumford in *Himalayan Dialogue* describes a religious between Tibetan lamas and Gurung *paju* in the north central Annapurna region where traditions are constructed in light of each other (1989:23). Borrowing from Mikhail Bakhtin, Mumford describes a process of "interillumination" by which the "ancient matrix" of Gurung Shamanism constitutes a voice embedded in contemporary Tibetan Buddhist ritual (1989:111). This interilluminated dialogue draws attention to the arbitrariness of tradition, as lamas and *pajus* compete for influence of both Tibetan and Gurung villagers by contesting the other's claims to effectiveness. This intercultural dialogue is carried on not only between religious specialists, according to Mumford (following again Bakhtin), but also between historically "layered cultures" represented by these specialists (1989:11)

The perspective of *Himalayan Dialogue* is distorted by the theoretical schemata that is placed template-like over the rituals discussed. Critics have charged that Mumford's "allegiance" to Bakhtin has led him to over determine the dialogic quality of the relationship between lama and *paju* while

obscuring the material and political basis of their competition (McHugh 1992:554). Nevertheless, Mumford has attempted to bring contemporary theoretical tools to bear on the problem of relating bounded orthodoxies to heterodox practices. Boundaries between "Buddhist" and "Shamanic" identities are shown to malleable, even if they are not historically ordered.

The misleading nature of such categories becomes even more problematic in the cities of the Kathmandu valley, which at the time of Prithivi Narayan Shah's unification in the eighteenth century were inhabited by the Newars, the linguistically distinct urban centred culture responsible for much of the Kathmandu valley's distinctive works of art and architecture. In the cities of the valley the nominal distinction between "Hindu" and "Buddhist" is perhaps even more difficult to draw than in the countryside, and to the inhabitants has been traditionally of less concern.

The Newars of the city of Patan, just south from Kathmandu, have traditionally been aligned to one or the other religion by virtue of hereditarily acquired family priests either Hindu or the Vajracharya and Sakya Buddhist priests through which David Gellner (1992) views the religious and social hierarchies of the Buddhist Newars of Patan. While all Newaris nominally fall into one or the other category, according to traditional allegiances and in the national census of the country, Gellner points out that from the perspective of religious practices it is only the priestly castes to whom anything of a pure religious identity can be ascribed. For the majority of middle to lower caste Buddhist Newars, religious devotions and ritual services are drawn from either tradition, as exigencies see fit; it is among the high priestly castes that religious practices attempt to bridge the every day world with the higher salvational aims to which Buddhism is directed (Gellner 1992:72). One of the primary social problems Newar Buddhism addresses is why a Buddhist society should have "caste" at all.

The Monk, Householder and Tantric Priest of Gellner's title represents in turn the hierarchical levels of Newari Buddhism: the celibate monk ascetically distanced from the work; the priestly householder charged with the ritual performances for patrons of the community; and the Tantric specialist performing rituals that invert more worldly ethical practices to achieve a spendier enlightenment. Drawing on Dumont (1980), Gellner observes that Tantric rituals, performed exclusively by Vajracarya and Sakya priests, subsume the two inferior levels in an integrated system. In the social world, too, the exigencies of everyday life, including the organization of life into hierarchical castes, are subordinated and encompassed by a Tantric Buddhist ideal— and by the castes capable of realizing this ideal. Viewing Newari Buddhism from this perspective, Gellner in part concludes:

Like all forms of traditional Buddhism, Newar Buddhism recognizes spiritual hierarchy. It is true that all Buddhism presupposes spiritual equality of opportunity over the long run. But the long run means many hundreds of lifetimes, so that at any given moment some are always more advanced than others. Consequently, Buddhism is inherently elitist (Gellner 1992:343).

This is a surprising conclusion for an analysis which intends to describe Newari Buddhism from a Newari perspective, correcting "ethnocentric" and "modernist" misconceptions about Tantrism (1992:21). But the perspective is not Newari, it is the interpretation of limited and elite priestly castes. Buddhism, if we are to believe Ramble, is not anything. Newari interpretations of Buddhism uniquely adopted a universalized doctrine into a specific cultural context, contexts which even within historically isolated Nepal were constantly changing. An elite perspective of Newari "orthodoxy" is the least sympathetic vantage point from which to view these changes, an inadequacy where Gellner discusses an emergent "modernist" *theravada* movement among the valley's Buddhist Newars.

This contemporary reform movement, emphasising a return to celibate monasticism in some ways similar to the Sherpa reform movement described by Ortner (1989), challenges Newari caste hierarchies by translating Buddhist texts, formerly the domain of hereditary priests alone, into the Newari and Nepali language, and by opening religious practice to all comers (Bechert and Hartmann 1988:15). There is, in short, little that is "inherently elitist" about it. Contemporary Newars are engaged in reinterpreting their tradition from the raw materials of a now wider knowledge of Buddhist orthodoxies, a reinterpretation that Vajracarya and Sakya traditionalists find threatening, and a process that Gellner, because of his positioning, underestimates.

But Gellner's stated aim is less an analysis of contemporary Newari processes than with its traditional hierarchies, and with ambient historical questions such as the disappearance or encompassing of Buddhism by Hinduism in India, inspired by Sylvain Levi's famous aphorism "Nepal is India in the making" (1992:2). Gellner's is a retrospective piece of writing, seeing clearly what has survived from what has been, but some what myopic on emerging realities.

The city of Bhaktapur, only a few kilometres east of both Kathmandu and Patan, was another important centre of the urban Newari culture before Nepal's unification. Bhaktapur, unlike Patan and, particularly, Kathmandu, which early on in the Gorkha years became a metropolitan city, has until

quite recently retained its unique Newari social order. It was this order, based on a Hindu structure of hierarchy enacted through the spatial and symbolic organization of city life, that inspired Robert Levy's *Mesocosm*. Like David Gellner, Levy's preoccupation is with the Bhaktapur of the past, when these modes of hierarchical organization help more authority than they do today. And like Gellner, *Mesocosm* sees this order through the perspective of its highest levels; Levy's "collaborator" in this book is a Rajopadhyaya Brahmin priest. However, Levy is careful not to allow this perspective to stand for the entirety of Bhaktapur's cultural experience. He does, however, make a claim to the primacy of that perspective in the design and execution of Bhaktapur's performed and spatialized hierarchy:

This coherent symbolic order is a peculiar attempt to order a community. It is not in itself adequate to represent the "life of the community". That life has many aspects, levels and kinds of order and disorder. To try to make one aspect the "real" is to engage in ideological polemics or, worse, tendentious and covert use of the exotic. However to neglect order where it does exist is another and peculiarly postmodern ideological move in itself (Levy 1992:10).

Bhaktapur's civic space is punctuated by thousands of ritual sites and its predominantly Hindu Newari population organized into caste-like endogamous *thars* charged with ritual roles in the performance of the city's "ballet of marked symbolism" (Levy, 1992:32). *Thar*, occupational groupings, were defined through principles of purity and pollution, as in many South Asian societies. But, breaking with Dumont's principle that caste is maintained by a fear of loss of status, Levy shows that something more akin to Dumont's "tribal purity" motivates the experience of caste boundaries. Pollution acts on the body, to which it is an exterior an exterior substance experienced as disgusting (Levy 1992:382). The picture of caste identity in western discourses as an essential difference between peoples akin to racism (that is, ordered by birth into preexisting castes) in the case of Bhaktapur ignores how this status is maintained by a performed "civic ballet" which organizes difference in an emotionally convincing way (Levy 1992:397). Without this performance, Levy writes, Bhaktapur's social structure would collapse. Bhaktapur is, paradoxically, a dynamic social process yielding the illusion of static order.

Yet *Mesocosm* remains silent on the resistances within that unchanging order, and it fails to describe the process by which changes are incorporated into it. In another study of a south Asian "mesocosm", James Duncan (1990)

has shown how competing ideas about how to construct the symbolic order of the city of Kandy, in what is now Sri Lanka, provided opportunities for resistance to the dominant order, which eventually led to the fall of the city to the British. The history of Bhaktapur tells of no peasant uprisings such as experienced in Kandy during the early nineteenth century, but the neatness of Levy's account leads one to wonder how individual acts of resistance (or, for that matter, innovation) contributed to the character of its predominant order. The retrospective views of Levy and Gellner, both taking the "traditional" as their point of reference, contribute to a knowledge of Nepal as it was, that is, when the difference between cultural practices of urban Newari society and modern Nepalese society was at its greatest. In the contemporary context Newari tradition appears as something that is disappearing, to the extent that Levy and his Rajopadhyaya collaborator feel compelled to salvage what is left (Levy 1990:7). A trend in recent ethnographic writing on Nepal has, however, attempted to reconcile the "traditional" with contemporary realities: Ortner's discussion of Sherpa historical processes connects the formation of cultural institution to political-economic changes which challenged them; Holmberg shows that persistent pressures on Tamang people helped to shape their unique but introverted religious identity; Mumford focuses on the experienced pace of change in the central Himalayan region as this affects the dialogue between competing cultural interpretations. The subjects of the latter three authors tend less to be "artifacts of their own origins", but rather continually evolving and changing entities that somehow, and for different reasons, communicates a sense of communal identity to their members. These books have shown how the diverse peoples of Nepal have interpreted religious orthodoxies in political and cultural circumstances, using identity to maintain a degree of autonomy as against hegemonic elites, or "monological" orthodoxies.

This continues to be the case, to a degree, in contemporary Nepal. The most recent Nepalese national census, conducted in 1991, indicated small but significant increases in the number of people who claimed a religious affiliation other than Hindu and languages other than Nepali as mother tongue (Shah 1993; Fisher 1993). Although these increases may be accounted for by anomalies in census data collection, it has been suggested that more and more people in the country are choosing to define themselves as being outside the culturally dominant centre.⁴ The cultural differences celebrated by western anthropology, mainly through the lens of religious ritual and identity, have become politically charged in a contemporary atmosphere where the peoples of Nepal are redefining their relationships.

Peoples and Polity

"Hamro raja, Hamro desh
Hamro bhasa, Hamro besh"

(Our king, our country,
Our language, our custom)
Balakrishna Sama
(Country Paper, 1993:7)

The picture of a diverse aggregation of societies interrelated through powerful historical relationships is not one which Nepal as a nation-state has been anxious to show to the world, or to itself. Unlike other Asian countries, such as Indonesia, that explicitly articulated an ideology of "unity through diversity", Nepal's diverse ethnic groups have since the *Muluki Ain* of 1854 been subordinated through a hierarchy which the Rana regime, until 1951, interpreted for its own material benefit. The *Muluki Ain* which the founder of the Rana dynasty promulgated was repealed by King Mahendra in 1962 when he halted an early experiment with multi-party democracy and founded his own 28 year dynasty of *panchayat* (village based) "democracy" (Country Paper 1993:7). The hierarchy on which it was based remained a central feature of Nepalese ideology and continues to underlie not only official images of Nepal, but oppositional ones that compete with it. In the following section I will examine this national and unifying image as portrayed through unique set of institutions and the points where people are able to resist or modify it.

Saubhagya Shah, a Nepalese sociologist, identifies three key symbols of an "historically weak" Nepalese nationalism: the national "Hindu" religion, the Nepali language, and the monarchy which represents the predominance of the highest Pahari castes (1993:7). The prevalence of Hinduism, specifically the form of Hinduism practised by "hill" Bahuns and Cherais, as the raw material for a national calendar of ritual observances and the basis of the *Muluki Ain*, has remained a constitutional mainstay in Nepal even after the *Muluki Ain* itself was rescinded in 1963. The 1990 constitution, while breaking with some aspects of traditional Nepalese nationalism, has retained the status of Nepal as an "officially Hindu kingdom" (Sharma 1992:7; Raepers and Hoftun 1993:176). The historical picture of "sanskritization" in Nepal is not one of monolithic integration of peoples, however, and the term itself may obscure the variations in religious and ethnic identity that the centre tolerated (Holmberg 1989:15).

For various reasons some *jati* communities found themselves in positions of prestige and influence with the national regime. Positions of relative prestige and influence were often concretized in ownership and control over

land. Beginning in the eighteenth century Kathmandu valley monarchs granted lands to Buddhist peoples in the northern Helambu region in return for the performance of rituals which were believed to have halted the advance of an epidemic into the valley. Thus began a relationship of relative privilege that the Yolmo peoples enjoyed with central authorities which continued into the administrations of Prithivi Narayan Shah and the Ranas (Clarke 1980: 15). At about the same time that Nepalese kings granted lands to Yolmo priests in return for the performance of rituals of merit, some Tamang religious lands were appropriated by the same regime and given to prominent Bahun and Chetris, ostensibly in retaliation for Tamang support for Tibet during border wars of the time (Clarke 1990: 168; Tamang 1992: 26; see also Holmberg 1989:49). The importance of Yolmo priests as landowners was seen to legitimate their placement in a karmic hierarchy as material wealth was interpreted in Yolmo as a sign of spiritual wealth (Clarke 1990). But it legitimated as well the place of the Yolmo or "Lama people" in the national hierarchy as above the Tamang. The boundary between "Lama" and "Tamang" was permeable, and many Tamangs aspired to the "Lama" name and increased their wealth and status (Holmberg 1989:20). To speak of Yolmo and Tamang as different cultures conceals not only their points of convergence, but the nationally sanctioned asymmetry that such differentiation implied.

The principle policy apparatus by which Nepalese central governments maximized tributary output through the Rana years was the land tenancy system which was closely integrated with the national hierarchy of the *Muluki Ain*. Under this policy, lands were granted as a reward for those having done service to the state, those who for various reasons were unable to engage in subsistence labour (powerful Bahuns were granted lands this way, which were then worked by corvée labour), and bureaucratic appointees, who were given farmland in lieu of salaries. Others cultivated land in return for taxes or agricultural tributes, or both, and all lands were alienable, the state could reclaim them at any time (Regmi 1976:17).

There were two possible exceptions to the latter condition, institutional *guthi* lands, usually granted to support temples or monasteries (but note that Tamang *guthi* lands were probably expropriated in the early nineteenth century); and *kipat*, lands held in communal ownership by *jati* outside of the dominant order, a right that was still recognized by the Rana regime (Regmi 1976). *Kipat* has many variations of form, but it is fair to assume that, for many *jati*, land was closely tied to community identity. The eastern Rai peoples identified their communal lands through an oral tradition (Gaenzdale 1993), coming close to articulating an idea of a communal "homeland" which is perhaps analogous to the identification with ancestral lands of North American indigenous peoples. The Nepalese economic historian Mahesh C.

Regmi refers to *kipat* as "a relic of customary land control which communities of mongoloid or autochthonous tribal origin established in areas occupied by them before the immigration of racial groups of Indo-Aryan origin (1976:87)."

These "relics" of the former domains of communities, although now officially abolished, had until very recently considerable influence on national decision making. The *kipat* rights of the Limbu, a group neighbouring the Rai in eastern Nepal, was reconfirmed by King Mahendra in 1961 following his suspension of democracy – "an aberration", Regmi writes, "dictated by the exigencies of the political situation (19976:103)..." Both the Rai and the Limbu, eastern groups brought under Nepalese control more recently than groups in the centre or west of the country, have a continued tradition of resistance to central authority (Bista, 1991:51; Shah 1993:7). King Mahendra's reconfirmation of Limbu *kipat* was likely a temporary placation of local powers in the east, necessary in the short term while his shaky royal coup extended its authority.

The articulation of land and oral narrative highlights the importance of language to communal identities. The importance of Nepali as a national language unifying the region has often conflicted with local usages. Modern Nepali may have been a lingua franca between Nepal's linguistically diverse peoples long before the Gorkha conquests, laying the groundwork for eventual political unification of the country (Shah 1993:8). Jang Bahadur Rana made Gorkhali the official language at the outset of the century long Rana regime, and it became "Nepali" only during the 1920s, when the country came to be known by the British reference to it, "Nepal". Prior to this "Nepal" referred only to the Kathmandu valley region and the indigenous Newar referred to their language as *Nepal Bhasa*, the language of "Nepal" (Gellner 1986:124). The imposition of Gorkhali and later Nepali as national language is currently seen by ethnic activists as an attempt to silence the language of others and subdue the basis of cultural differences. *Jati* activities are currently campaigning to have early primary education in mother tongue rather than Nepali, a move calculated to protect Nepal's Tibeto-Burman languages from extinction (Country Report 1993:20).

During the early decades of the twentieth century, the same period when Sherpa monasticism began to provide a foci of community identity for Sherpas of all classes, a small but persistent movement among Newars to assert and protect their own language began, also associated with a renewal of Buddhist religiosity (Gellner, 1986:1990). Many Newars were not Buddhist, however. The varieties of local religious affiliation, dialects, and territorial allegiances ensured for a long time that speak of "Newar" as an entity of its own would obscure the great variations between valley peoples. But the

inexorable use of Nepali as a mother tongue among Newars inspired a fear that Newari uniqueness would be lost. For modern Newar activists, the language itself was one of the most important basis of communal identity, for to be "Newar" in the past required only that an immigrant to the valley, whether from the hills or plains, spoke the language of the valley (Gellner 1986:127). While the social hierarchies that both Gellner (1992) and Levy (1992) describe indicate that access to Newari identity was not quite as simple as that, peoples from outside of Nepal did find their way into the social structure of the fertile valley. Prithivi Narayan Shah and the Pahari regimes which followed him into the valley broke with that tradition by imposing their own language and hierarchy. The politicization of Newari identity begins with language, and although still a relatively small movement, it too has the potential for providing a communal foci for Newars in an increasingly volatile contemporary context.

The roots of this volatility are without much doubt the economic poverty and underdevelopment of Nepal with the attendant pressure on agricultural lands and unemployment in the cities. The roots of Nepal's economic "crisis" are often associated with the Rana regime's tenure and its tributary exploitation of the country, David Seddon argues that Nepal's crisis of overpopulation began in the early nineteenth century, when population growth through immigration from other south Asian areas provided the basis on for the growing tributary regime (1987:19). This population base was controlled by a "fundamentally inegalitarian socio-religious ideology and social practice" which was, according to Seddon, predominantly coercive, employing ideological, material and military institutions in maintaining order (Seddon 1987:xi). Central to this unequal social structure was the person of the king, as rulers of Nepal and, from 1846 to 1951, as powerless figureheads dominated by the Rana regime.

State coercion was an important factor in Nepalese (then Gorkhalese) integration, but was it the only one? Seddon, in assuming state coercion as primary, ignores instances where state influence was mediated by local practices. Nepalese hill peoples, who displayed a "low level of political consciousness" (1987:220), brought to a halt an early attempt to double crop middle hill fields by maintaining traditional year-round grazing practices, which the Rana regime could not control. Seddon dismisses this as an isolated case of peasant conservatism, but a closer reading suggests that this may be an example of "everyday resistance" by which rural peoples negotiate and maximize their positions relative to a tributary regime (cf. Scott 1984). Double cropping would have had the effect of doubling rural peoples' tributary ties to Kathmandu and ending the traditional trade patterns of agropastoralism, further isolating hill communities from each other.

The assumption taken by some is that there has been a historical confrontation between a class structured society, mystified and obscured by supernaturally sanctioned *varna* categories, and essentially egalitarian hill peoples (Seddon 1987; Mikesell and Shrestha 1991). The anthropologist Lionel Caplan (1975) modifies this model in his study of the western bazaar town of Belaspur, where he pictures this pre-1951 administrative centre and the outlying rural villages as coexisting almost symbiotically, with little competition over material resources. In contrast to the Newari cities of the Kathmandu valley, which were originally communities of peoples overwhelmingly engaged in agriculture (Levy 1992; Gellner 1992), the bazaar towns of the hill regions, such as Belaspur, were established by centralizing authorities as administrative centres where state tributes were collected. The increasing importance of currency in the local economy after 1951 and the widening access to administrative positions in Belaspur after the Rana style client-sponsor system collapsed, brought the "organic" relationship between town and rural villages to an end (Caplan 1975:5). Castes and ethnicities that had been previously discrete came into competition over access to lucrative government jobs, as rural influence on the polity of the town, and nation, increased (1975:229).

It would be wrong, though to suggest that this was a competition between social equals. Caplan notes that the number of intercaste marriages after 1951 increased dramatically, reflecting the increasing use of marriage as a social institution to cement the kinship ties which had come to replace Rana sponsorship as a means to government employment. The majority of these marriages was between town residents, secondarily between town residents and people from the Kathmandu valley or other regional centres, and only lastly between town residents and people from its own rural hinterland (which were comparatively few because of an enmity between town elites and the rural communities vying for political influence) (Caplan 1975:147). The prevalence of intercaste marriages suggests class affinities among some of the castes, yet caste intermarriages did not lead to a breakdown of caste distinctions as experienced by newlyweds, who continued to maintain the ritual boundaries of their own caste (Caplan 1975:146). Religious identity in Belaspur seem to have withstood changes to the local class structure.

The influence of unequal rural peoples on the policies that so condition their lives until quite recently has been limited to what David Seddon calls the "informal relations" between peoples that provide them with access to means of power (1987:219). These informal relations, enacted through bonds of kinship, caste, and ethnicity, and concretized in land tenure and control, were a means by which relations of power were modified by peoples themselves. The state structures reaching out from Kathmandu and regional

centres such as Belaspur conditioned these "informal relation" by channelling them through hierarchies and institutions that attenuated the influence of the vast majority of Nepalese. The state, however, could not completely silence all opposition, nor contain the aspirations of individuals or communities to press their own claims and maintain their own interests. Many simply used the material provided by the national culture to better their positions; others passively resisted by accommodating the central regime and, at the same time, reducing its disruptive presence through persistent cultural practices. To the three foundations of the national culture, language, religion, and royal hierarchy, I want to add a fourth *bikas* (development), a contemporary aspect of Nepalese national culture that shapes and is shaped by both formal and informal institutions.

Development and Dissonance

Since 1951 the development of Nepal has been a national priority spatialized in the subdivision of the country into fourteen "development zones" which draw boundaries around regions according to a logic that may not take into account local regional affiliations. Development, or *bikas*, has brought international monies, expertise and planning into those regions, providing a glimpse for hill peoples of ways of life presented to them as superior in every way. A disjunction between the perceived potential of developments, seen as something that happens somewhere else, and the basic quality of life experienced in the countryside influences the identity of rural peoples and, as Stacey Pigg observes (1992), acts on them regardless of their religious, ethnic or caste difference. *Bikas* has a levelling effect, rendering Nepal's rich diversity into two overarching categories; the *bikasi*, or "developed", or the *abikasi*, the "undeveloped" (Pigg 1992).

Pigg demonstrates how these categories are communicated through social representations, such as knowledge conveyed through school textbooks or information generated by and for development agencies, that construct an idea of a generic "village" which stands in contrast to Nepal's *bikasi* urban areas in their relative backwardness. Development agencies are slow to take into account Nepal's social diversity, a function in part of the bureaucratic tendencies I discuss below. Stacey Pigg's point is that the experience of dissonance, of seeing one's life in a dichotomous representation as either *bikasi* or not, incorporates the ideal of development into the identities of people themselves (1992:502). The resulting effect of this dissonance on villagers is to generate a desire for the increased social status that goes with getting "a piece of the development pie" (1992:511). That "piece" does not so much mean the tangible products of development (schools, health clinics,

running water) as it means becoming employed as an agent of modernization—becoming then, something more than one already is.

The tangible products of development are often seen as something that comes from somewhere else, addressing the needs not of the village but of distant elites who execute them, a continuance of a pattern established at the time of Rana infrastructural projects (Bista 1991:147). According to Linda Stone (1989), *bikas* is understood by villagers as these tangible edifices, rather than any kind of ethos of self sufficiency (to the chagrin of well meaning western development experts). They experience this dissonance through seeing these projects benefiting village elites who also belong to the highest castes, that is, those with the influence to make these projects happen (Stone 1989:210). Villagers experience *bikas* then either as something they want to get a piece of, or as something doesn't have much to do with their lives. The desire for the former often leads to resigned acceptance of the latter. Development in Nepal is hardly thought of as successful. It is often assumed that the failure of projects is due to chronic mismanagement and bureaucratic corruption that accompanies the informal relations of government decision making (Seddon 1987:Bista 1991). Dor Bahadur Bista describes the cultural processes through which influence is channelled in a recent book that sparked much controversy within Nepal. The argument of *Fatalism and Development* is that the cultural practices and values of Nepal's dominant hill Bahuns, and thus the national culture that they preside over, impedes Nepal's development. According to this view, alliances are formed and decisions are made through a structure of patronage and dependency that is embedded in bureaucratic systems based on western models. Bista describes the practice of *chakari*, meaning literally "to wait upon", which originated during the last century when Rana ministers would assemble their immediate underlings together to pay daily tribute (by means of favours, provision of information etc.), and thus prevent them from organizing competing relations of patronage that would challenge Rana power (1991:80). This practice has carried over to the contemporary Nepalese bureaucracy, those who make decisions pertaining to development projects, which has been, and is to this day, dominated by higher caste Nepalese (see also Gurung 1993). *Chakari*, or more recent forms of patronage relations based more on the influences of kinship than in patron-client relations established by powerful bureaucrats (Caplan 1975:52), comprises a relatively closed system of decision making that comprises the "source and force" (Justice 1986) with which outsiders can influence central decisions.

Because of the isolation of upper castes, separated by a deeply experienced ritual hierarchy from other Nepalese, the Bahun "work ethic" that Bista identifies tends to be "non-reciprocating" and self-preferential, in contrast

with the "reciprocating" practices of Nepal's *jati* peoples, to whom Bista would rather see development efforts directed (1991:181). Work itself is problematic to a Bahun orthodoxy, as it is the reserve of lower caste peoples. Thus educated Bahuns find themselves setting policies on such things as agriculture or health where they have no practical experience (1991:80). The attack on the Bahun ethos that this argument represents has, not surprisingly, inspired a number of criticisms by Nepalese academics and intellectuals who point out that it generalizes and infers too much from the specifics it discusses.⁵ Dilli Dahal points out that Bista is less than clear on what he means by "development", and that the rational, bureaucratic ideal of economic development that Bista borrows from Weber has social consequences in a Nepalese context that he ignores (1990:87). He charges, too that *chakari* as an informal channel of influence probably characterizes every bureaucracy worldwide.

While it is true that a degree of informal influence exists in the most rationalized bureaucratic structure, Bista is accurate when he states that *chakari* is the most influential means by which decisions are made in Nepal. The importance of kinship relations, caste and dependent relations with powerful patrons underlies Nepalese bureaucracy to a degree that Dahal's charge obscures (1990:91). Judith Justice, in her ethnography of Nepalese and development agency bureaucratic culture, notes the prevalence of kin and patron-client relationships in the field of health policy setting. Western development experts, familiar with the more rationalized bureaucratic systems of most donor countries, are often frustrated in their attempts to organize effective developments in Nepal because of what they perceive as the bureaucratic inertia of the Nepalese civil service. But both western development agencies and the Nepalese civil service, already engaged in a powerful tug of war over policies, collide with and often suppress local understandings of health, and how health services can be organized (Justice 1986:152).

Village health posts across the country struggled under the centralized implementation of health goals set by Nepalese elites and western health experts. Health workers, trained in Kathmandu and sent out to hill regions, were often reluctant to remain in the country as this cut them off from opportunities available only in the valley. Policy priorities, more often set according to the whim of western agencies and based on contemporary concerns in home countries or on problematic perceptions of the social and cultural roots of Nepal's underdevelopment, such as an obsession in the 1960s with family planning, abandoned because of its apparent failure as a policy (Justice 1987:62). Neither planning level was able to take into account local perceptions, such as a distrust of vasectomies by men who

thought that it would weaken them (Justice 1986:97). The wider question that frames Justice's study is why both levels resist the kinds of qualitative knowledge in policy setting that cultural anthropology can provide.

The answer to this question was not, for Justice, surprising. As the geography of the country makes travel difficult (particularly to bureaucratic elites, both Nepalese and western), policy setters have come to rely on and trust quantitative data almost exclusively (Justice 1986:33). Getting to know the country at ground level seems impractical. As well, many foreign experts are most comfortable with an understanding of a generic "third world" that, for them show much of the same characteristics. Nepalese elites have presented them with a neat generic "village" in official discourses that satisfies this generalized knowledge of the underdeveloped (Pigg 1992). Policy planners, then, are impatient with ethnographic studies that centre on particular ethnic groups, "cultures" or "tribes". It is too easy, however, for ethnographers to find fault solely in the prejudices of bureaucrats and "experts". Citing a plethora of ethnographic literature on discrete Himalayan cultures, some of which I've discussed above, Justice charges that it is a more historical and integrative ethnographic strategy that would be of use to planners. "Cultures" do not evolve in isolation in Nepal; not enough ethnography takes as its subject the linkages between peoples and with the national regimes in the past and, more important, in the present (Justice 1986:136).

Justice has been criticized elsewhere for failing to ask an even more radically reflexive question – what our knowledge of the "other" means when the "other" is an amalgam of diverse "other", as is arguably the case in Nepal (Pigg 1992:504). The culture that Justice examines, Nepal's health bureaucracy, is in a way similar to Bista's "non-reciprocating" Bahun, or Lionel Caplan's insular town elites. All are in one way or another contrasted to the peoples they govern. This dichotomous representation obscures the degrees of participation both lower caste Paharis and *jati* have had in the formation of Nepalese political structures, whether in the permeability of such dichotomous boundaries by peoples, popular resistances against measures from the centre, or organized efforts to press collective demands. This plays into the representation of Nepal's higher castes that Prayag Raj Sharma and others within the country object to. Pigg's question is a good one, particularly as ethnographic knowledge in aid of development may well be employed to counter these resistances and enforce a modernistic ideology over and against local peoples (cf. Escobar 1991). But it needs to be balanced with another question, one that Pigg raises indirectly: what does sociocultural knowledge mean in view of an integrative structure that seeks to unite social diversity?

Conclusions

There are two complementary views of Nepalese polity, both ideal types which by themselves provide only a partial look at Nepalese political processes. The first one is that of a rigid hierarchy laid down by Prithivi Narayan Shah and codified in the *Muluki Ain*. The subsequent subordination and repression of peoples by higher castes has been characterized as the exploitation of "indigenous" peoples by exploitative Bahuns and Chetris and an alien *varna* ideology imported from the Indian plain (Nepal Country Report 1993; Bista 1991:55). The word "indigenous" suggests parallels with other cases worldwide, such as the political emergence of North America's indigenous peoples and worldwide campaigns of advocacy led by, among others, anthropologists. Recent writing on Nepal indicates that the "sanskritization" of Nepal's *jati* and hill peoples has proceeded at various rates, and that many communities retained their ethnic identity despite, or even because of, their identification in a national order (Ortner 1989; Holmberg 1980, 1989). As among North American first nations, there has recently been an awakening of these Tibeto-Burman identities in Nepal. Unlike the North American case, however, there was never a purely exclusionary policy towards Nepal's Tibeto-Burman peoples. Their inclusion in the *Muluki Ain* as lower status *jats* or castes, while subordinating them did not render them as untouchables, completely stripped them of rights and opportunities to maximize their place through the ritual hierarchy (Shah 1993, pers. comm).

This leads to the second view, which recognizes not only the variations in religious, linguistic and ethnic identities in the country, but also the agency people had in adapting to far flung political influences. In this view the social variations within Nepalese national society are permeable and emergent. Not only was a degree of tolerance towards religious variation tolerated (Holmberg 1989:15) but peoples actively maintained control over land and resources by influencing the religious orthodoxies of the centre (Clarke 1990). Nevertheless, as the unequal distribution of the benefits of development has shown (Bista 1991, Pigg 1992), ethnic identity is also a potential handicap for peoples of lower cast or *jat* status. To assume a simple picture of the historic relations between Nepalese rulers and ruled as either wholly "organic" (Caplan 1975:5) or coercive (Seddon 1987) obscures the degree to which the other process was active.

In contemporary Nepal ethnic identity is but one of several categories on which political action can be based, others potentially being gender or class. This paper has elected not to discuss in detail the rise of class-based politics seen through the current popularity of Nepal's many leftist parties. The political party system, however, still tends to exclude lower caste or *jat*

people from participation in national decision making, as most party candidates, both Congress and Communist, tend to be drawn from the ranks of hill Bahuns and Chetris (Gurung 1992:20)⁶. Ethnically based actions such as a yearly boycott of the nationally sanctioned *Dasain* festival by urban Rai and Limbu strike more at the heart of Nepal's traditional hierarchy (Shah 1993:7). Ironically, though, the broader multi-ethnic Nepal *Janajati Mahasangh*, a coordinating body to which Rai and Limbu organization belong, excludes participation by untouchables, Muslims and Christian; for them, the structure defined by the *Muluki Ain* remains implicitly accepted as the basis of Nepalese nationalism (Fisher 1993:12).

Raw materials for contemporary reinterpretation of ethnic identities are found in retrospective renderings of "cultural" pasts. As a new relationship between Nepal's people is renegotiated, Nepal's imperfectly understood history may prove ambiguous enough to allow for alternate readings of cultural origins and the rights of one community over another. Cultures and traditions, however, are not the same as ethnicities; the latter refers more to a communal allegiance through identity, based on some sense of tradition, but that somehow reconnects that sense of tradition into something more than it was. Communalism may strike the western reader as an admirable thing, but in South Asia the word carries darker associations. The murderous civil war between "Buddhist" Sinhalese and "Hindu" Tamils in Sri Lanka is perhaps only the most visible example of ethnic conflict in a subcontinent wrought by similar upheavals. I have suggested that the two views above are "complementary", not only because they are often both true at the same time, but because I think that ethnography of Nepal ought to constantly keep one in sight of the other. Nepal's diversity need not be antagonistic; to over-determine one view over the other is not only a partial polemic, it is fraught with peril.

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Notes

1. I have chosen the term *jati* here to collectively stand for a number of ethnic minorities in Nepal discussed in this paper which were not, prior to contact by *Paharis*, integrated into a national schema of *varna* and *jat*. These include Gurung, Magar, Sherpa, Tamang, "Bhote", Rai and Limbus peoples. There is an unfortunate tendency in some of the older academic and some contemporary Nepalese literature to use racial terms in describing this group such as "mongoloid" or "Tibeto Burman". I am avoiding these by using the Nepali term *jati* but ultimately am troubled that a paper has to make such a dichotomous distinction at all.
2. Ganesh Man Singh's remarks came at a time when the Congress Party was coming increasingly under attack from the opposition over a number of issues and a degree of dissension within the party. The factors that contributed to the political unrest of July, 1993, are many, and I cannot go into them all here. But the series of national strikes, transportation boycotts, street riots and police retaliations were instigated by the communist opposition to pressure the resignation of the prime minister, Grijia Koirala, whom Ganesh Man Singh accused of *bahunbad*.
3. The translation and explanation of this phrase, well known in Nepal, was made by Radhe Shyam Duwadi, a language instructor in Kathmandu. It is important to point out that this proverb is in Hindi, not Nepali, and although both are closely related sanskrit-based languages, differences do exist. C.A. Bayley argues that cloth (*bhes*) in India not only symbolized social status, it was "an essential component" of acquiring social status itself (1986:286). It is doubtful, though, that Gurung recruits new to Nepali, let alone Hindi, would share this linguistic nuance.
4. A preliminary analysis of the 1991 census of Nepal (HMG, 1993) indicates that the number of peoples reporting religion other than Hindu has increased slightly, predominantly among those who identified themselves as Buddhists (5.32% in 1981 to 7.81% in 1991) and Muslims (2.66% in 1981 to 3.04% in 1991). The number of people reporting Nepali as a mother tongue, that is who were not taught a Tibeto-Buman dialect or a dialect of the Terai Maithili, Bojpuri) at birth, decreased from 58.36% to 53.22% over the same period. While the numbers themselves may seem insignificant, they represent a reversal of a forty-year trend towards what the census euphemistically calls 'an attrition to Hinduism' and the national language. It should be noted that this data comes from a preliminary analysis, based on a 10% sample.
The Nepalese census has patchy reputation for accuracy. Many Nepalese academics expressed doubts as to whether data was properly collected or tabulated. Projections of the total population based on estimates from the

1981 census overshoot the actual figure, leading some to suspect either an overcount in 1981 or an undercount in 1991. The data for the 1991 census may have been gathered before the 1990 change in government and reflect some of the institutional bias of the former regime (Raj Sharma, 1993 pers. comm). As of August, 1993, a full census reporting for 1991 had still not been given.

5. Much of Dor Bista's argument about the nature or dependency in Bahun men is based on child rearing and acculturation practices of high caste groups. Dahal (1990:90) questions the logic behind Dor Bista's statement that "At an early age the male child is taken away from his mother and is encouraged to redirect his attachment to the father" (1991:73). Both Dahal and my partner, Tina Moffat, point out that this social practice is highly dependent on birth spacing. This is also short in rural Nepal, where Dor Bista claims children are gradually weaned from the mother who then form close bonds with their children.
6. Harka Gurung (1992) gives the total percentage of Bahun and Chetri candidates for the ruling Congress party at 79.9% and for the largest Communist party, the United Marxist Leninist, 84.2%. He gives the example of predominantly Tamang electoral regions, where only two candidates of Tamang origin gained any of the 11 seats available. As this was the first election under a multi-party system, however, it would be premature to suggest that this was a trend.

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RECONSIDERING NEPAL-INDIA BILATERAL RELATIONS*

Dhruba Kumar
CNAS/TU

Diplomacy that governs the relationship between Nepal and India has always been like a myth, akin to the myth of Sisyphus. No sooner do diplomats climb down the mountain of controversy with treaties and agreements than they have to turn around again to begin the re-climb as they face the mountain of controversy anew. This pattern has become a life-cycle of Nepal-India relations which are firmly based on the framework set by the 1950 treaty. The governments in both countries are apt to describe this situation as the process of continuous negotiations which is never ending as the world of diplomacy thrives on such process.

Unfortunately, diplomacy and negotiations are not recyclable which are being observed as a distinct pattern in Nepal's relations with India. The purpose of diplomacy is not to be dogged and the objective of negotiation is not confined to make documents with government seals. Every thinking individual today feels that the purpose of diplomacy is to forge understanding for the future rather than settle the differences temporarily and push the past to the future to renegotiate on the same differences again. The structural arrangement that has predominately influenced the bilateral relations between Nepal and India is conspicuous in suggesting that this state of affairs is to stay unless a dent is made unitarily or collectively by both states in the 1950 treaty to recast their relationship under a new setting. Momentous changes have not affected their ties which could be positively recalled but the consequent negative aspect of this relationship today is whether to call it 'normal' or 'strained'? Several treaties and agreements already signed by them reiterating friendly ties are suffice to suggest of normalcy; it is however the implications of these same treaties and agreements on Nepal's foreign policy posturing-which are invariably an expression of domestic politics – have made the relationship an uneasy one.

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Despite a relative calm in the relationship at the governmental level, a strong undercurrent of preexisting suspicion in Nepal has begun to overwhelm its domestic contexts, the repercussion may not augur well for India. The absorbing perception of a best possible ties between the two countries after democratic restoration in Nepal is now significantly altered. Two issues of contemporary Nepalese interests corresponding to its relationship with India have patterned the texture of current ties. Nepal's desire of sharing of the water resources and its unilateral concession on seemingly a decade old dispute over the construction of the Tanakpur Barrage to strive for a broader understanding on the related matters have remained largely, inadequately responded by India. Likewise, Nepal's urge to help it overcome the Bhutanese refugees' influx, as it understandably encompasses the trilateral context, is being curtly denied by India. These two critical issues of national interests to Nepal are on the verge of controversy, as the Nepali Congress government has lapsed in showing the required political will to resolve these problems.

Within the past three years of democracy in Nepal, both India and Nepal have given priority to their bilateral ties, as being expressed by the high level diplomatic exchanges. And a renewed commitment from both to strengthen their relationship is featured in the agreements signed. Realistic appraisal of these visits, however, shows Nepal had let the opportunity slip away. It is self-evident in Nepal's failure to raise the most pressing issue of 1950 treaty in its bilateral relations with India. This may turn out to be a critical factor for the forthcoming policy disaster. Perhaps the Prime Ministerial visits or other high level diplomatic exchanges would become a mere Potemkin show if the structural complexities of the 1950 treaty were to continue to determine the profoundly intimate relationship between Nepal and India. Beyond the reasonable understanding of this intimacy, what is needed in Nepal is a much more serious approach to the question of its relationship with India by critically assessing what kind of India will emerge in future and what would be India's political preference towards Nepal and how could Nepal co-opt with the new situation created by the sands of time. Should India be the same and Nepal's relations with the former were to continue as before, what future could Nepal strive for? It is difficult to postulate any answers to these questions. This uncertainty, however, suggests to examine the historical status of relationship between the two to ensure a realistic assessment of the future.

Status of Relationship

Comprehending the psychological reality of the elites ruling both in Nepal and India and their perception of 'reality' it could be postulated that they have

a common point in agreement to think of a predetermined future for their respective country. Post-colonial India that inherited a colonial strategic culture thought it better to reconstruct a relationship preordained by the past. This has served the Indian motive of continuing a predominant position in its relationship with Nepal by conditioning the future by constructively engaging its smaller neighbour to reinforce the arrangements made under the 1950 treaty. Stipulations made under the Arms Supply Accord of 1965 were a design to provide sanctity and legitimacy of the previous treaty. Other agreements that followed to the present were instruments to make Nepal irrevocably commit to the Indian terms and be satisfied with what India deemed necessary to consider for Nepal.

For India, negotiations with Nepal beyond the structure of the 1950 treaty remain an anathema because it implies a change in the relationship and suggest of an alternative future. A change in the 1950 treaty is understandably a threat to Indian security concerns as Nepal remains in the heartland of the Indian security perimeter. Although India's military power has multiplied by leaps and bound since the commencement of the treaty, its fear of the enemy has increased correspondingly. The Chinese threat, as India calls it, has made Nepal a victim of India's coercive diplomacy and a case of three consecutive economic blockades in the past although the damage caused by these embargoes are yet to be assessed correctly. A seemingly independent posture taken by Nepal becomes a symbol of hostility for India. Be it a case of trade diversification or Nepal's demand for a reciprocal treatment of its commodities in the Indian market, an obdurate rationalization on the part of India comes forth with a suggestion that such a tendency was caused by the evil and misguided influence of China¹. Strangely, this misperception played repeatedly in the Indian psyche that governed in totality the Indian attitude towards Nepal. Certain bizarre examples could be gleaned through the advocacy of the Indian leadership and the press with an inclination to draw a major distinction between the Nepali leadership and the general mass. Qualifying that the blockade in fact was not against Nepal and the Nepalese people but against the autocratic panchayat regime, India had justified its actions. Perhaps such a distinction was drawn in consonance with its perception of long tradition of friendship along with congenial and cultural affinities with the Nepalese people, but not the panchayat rulers in Nepal. The Nepali leadership of the period, on the other hand, was contrary to its own self. The self-image of the leadership was so vulnerable that it could not sense the critical situation brought about by the crisis in Nepal-India relations. It was of little relevance to the perception of self-delusion in which Nepal's leadership was entrapped. The precious reality was slipping from its hold but it remained firm in dispute with India. The behaviour of the Nepali

leadership of the time was analogous to that of a compulsive gambler, who, unable to cut losses, continued the play fantasizing that the dice will turn in his favour.

The center of controversy between Nepal and India in 1989 was the 1950 treaty and the arms accord of 1965, which, according to India, Nepal had overstepped by importing arms from China. Nepal's well-publicized position was an end to the "special relations" with India. By taking such a position Nepal had made its disagreement obviously an explicit one and had even prepared to trade with India on the most favoured nations basis without seriously contemplating the broader implications of such a trade regime². However, Nepal had to back down from its previous position by agreeing with India to negotiate within the framework of the 1950 treaty and the draft document tabled by the Indian delegation on March 31, 1990. This document prepared with legal finesse plugging all the loop holes, in fact, was an expression of Indian desire to retrieve all the possible lost grounds. In the final analysis, this draft document had put the clock four decades back to July 1950³.

Rapprochement that averted the precipitous deterioration of relations through a joint communique on June 10, 1990 was specifically designed to extricate Nepal from the disastrous economic blockade imposed by India. This however has brought about a new challenge to the precarious domestic situation in Nepal. Recommitment to India's security sensitivities along the Himalayan frontiers in exchange for the opening of the entry points in the south, some definite concession on the trade matters, capping of the relationship with "brotherly" ties, and the inclusion of the term "common rivers" in consideration of the Indian willingness as a pivotal partner in sharing Nepal's water resources, have all dwarfed the previous agreements in positioning India's pre-eminence while determining the future of relationship between the two. This irrevocable commitment made by the Interim Government to India – though understandably it had no mandate to do so – had destroyed the margin of maneuverability that the Koirala government could have assumed while negotiating with India in December 1991.

As the format for Nepal-India negotiations was set and reinforced by the joint communique of June 1990, followed by decisions made by the joint commissions with respective governments' endorsements, the subsequent repercussion was to tie the hands of the elected Koirala government from exploring any alternative to the one already framed. For instance, the application of the term common river has critically limited the executive power in furthering negotiations. Although the term "common river" has been conscientiously defined as a provision for joint exploration of the natural resources for mutual benefit which was adhered by a national

consensus in Nepal⁴, the perceived implication of the term, however, has crucially determined the process of the constitution making even to the extent of influencing Nepal's interactions with India. The term common river caused the incorporation of Article 126, and the four subclauses under it made any government under the present constitution to firmly observe these provision while negotiating an accord or a treaty with foreign government.⁵

December 1991 negotiations with India, thus, encountered both internal as well as external complexities. Despite a popular mandate, the Koirala government was constrained by the constitutional provision requiring two-third votes in the parliament for the ratification of any treaty with "pervasively grave or long term" implications for the country, of which the sharing of the natural resources was one. Externally, India was discernably bent on to reach an accord on Tanakpur and had presented its position on the sharing of water resources with Nepal through previously held meetings of the high level joint commission that supposedly had agreed to let India build the left afflux bund on the Nepalese territory to save it from land inundation.

It was reliably learnt that the negotiation was stalemated by the Indian insistence on signing two separate treaties on trade and transit conditional upon Nepal's approval of the related provisions on the Tanakpur Barrage. The final decision was made on the highest political level on one-to-one talk basis between Koirala and Rao. What India considered a concession and display of its magnanimity on trade and transit matters, was indeed a *fait accompli* to Nepal, as Prime Minister Koirala was already trapped by the decisions reached by the Interim government on the basis of the recommendations made by the fact finding mission to determine the cost/benefit of permitting India to build the left afflux bund in the Nepalese territory. He could not return home without an agreement, which could have made the disagreement too explicit. This could also have made India perceive him to be an unlikely candidate for negotiation in future. Koirala thus avoided the risk inherent in the summit failure. The Nepali Prime Minister, as being new to the job, could have thought more about the negative consequences of the negotiation failure than any alternative to it. Surely, his naivety was an asset at the moment, which was not used to inform him about the steps of alternatives to a comprehensive negotiation. On this point, his top foreign policy adviser failed to live up to the general expectation, despite the latter's long *jagirdari* experiences as a seasoned negotiator with India. Koirala was not advised about the art of surviving the negotiation failure. A failure in negotiation does not necessarily deprive one from the importance of achieving success. While negotiating, a party which is in the best position to survive the failure is the most likely candidate to succeed in negotiation – be it a protracted one or otherwise.

Back to the Origins and the Perception of Interests

In democracy in particular, if the executive branch of the government thinks that there is a perception of interests of the government, it would be equally valid to observe that there is a perception of interests on the part of the legislative branch too. Many of the conflict between the executive and legislative branches of government in the field of foreign policy stem from the different perceptions of the precisely same circumstances. Mostly, part of the perception gap appears to emanate from different imperative and ideologies. With numerous crises behind it, it is still striking to find such different views and interpretation of the same problem in Nepal. Specifically, Nepal's India policy has always encountered these difficulties.

Presently, it is fundamentally instructive to look at the constitution, because the legislative branch of the government at large plays a significant role in the subjects concerning foreign policy, that is, to enter into a treaty relations with any foreign country is not, unfortunately, an executive act, but it is a legislative act. The controversy over the Tanakpur barrage is a point of this reality in the making of Nepal's foreign policy. Differences of view of the same act, despite the increase in the speed and the amount of information available, placed the legislative and executive branches at odds because of the differences of perspectives. Perceptions may never be identical not only between the ruling party and the opposition in the parliament, but also between the representatives of the ruling party in the cabinet and the parliament, but they certainly should be more alike than they have been in many occasions.

As the parliament is empowered to legislate matters concerning foreign policy, providing it an exclusive legislative authority to implement treaties and other international agreements, the executive is made more accountable to its acts. The subclause 3 of the Article 126 that maintains an unratified treaty to be void which shall not bind Nepal or its government under the constitution, makes the executive authority too precarious in substance unless the ruling party enjoys a two third majority in the parliament. Theoretically, this provision provided the opposition parties in the parliament exceptionally a sound footing to promote their views. The parliamentary debates of the past four sessions out of the five commenced to date, are the instances of the oppositions' assertion of their role by progressively challenging the executive prerogative in foreign policy making and building awareness in general on the matters of public interests. The failure of the government to realize the implication of such a trend on its own image as well as the country's relations with India is expressed in the dilemma that the executive faces in pursuant to its policy. Parliamentary debates over whether the decision reached with India on the Tanakpur Barrage

and let India build the left afflux bund on the Nepalese territory was an "understanding" (as the government maintained) or a "treaty" (as the opposition claims), was finally resolved by the supreme court verdict in favour of the treaty on December 15, 1992, suggesting that it involves the sharing of the water resources which falls within the perimeter of Article 126. This generated another round of controversy that revolved around the question whether the treaty is of "pervasively grave or long-term" nature or an agreement of common pursuit, whether it requires two-third majority or a simple majority in the parliament to make the deal effective.⁶

Renewed deliberations on these points and the government's efforts to reach understanding on the issue in the parliament favouring its position was finally aborted by a letter sent by the supreme leader of the Nepali Congress to the party president Krishna P. Bhattarai warning that "it would be alike signing on a death warrant" to opt for a simple majority on the Tanakpur issue in the parliament.⁷ Though certainly unconstitutional, this "bombshell" has further weakened the already eroded credibility of the government as it implied the extremity of the differences persisting within the ruling Nepali Congress party on the issue and to a larger extent on Nepal's relationship with India.⁸

India, though a lower riparian country, had taken a customarily uncongenial approach while initially undertaking the Tanakpur project on the international border river between Nepal and India thinking that the project was entirely built by the Indian money, for the Indians, by the Indians and on the Indian land. Nepal's complains on the issue in 1983-84 went unheeded. Further enquiries on the project by Nepal were dismissed by suggesting that no such project exists. When the project as such came into existence, it was suggested that it is of no concern to Nepal because the project was entirely built on Indian territory. Frankly, this suggests of a case underlining the interplay of India's dishonesty, deception and power politics reflecting the attitude of a mega-state toward its smaller neighbour. This is also a point in reference to the long held Nepalese perception that India had "cheated" Nepal in their joint collaborative efforts in water resources management, which India has never tried to dispel by a good deal. It is widely believed in Nepal today that India could have entirely skipped Nepal from the project, had not it required the barrage to be extended and built in the Nepalese territory and link it to the high elevation land to generate more electricity. Indian claim that the left afflux bund is built in Nepal to save the territory from inundation is propaganda which is however taken by the government of Nepal today in the spirit of friendship and candour. This account could be proven by citing the skepticism of the chief minister of Bihar who had reportedly remarked that New Delhi is determined to preserve its interests in

the sphere of the water sharing than others. Similar revelation was made by Muchkund Dubey, the former foreign secretary of India, that Nepal had requested for a minimum share (25 megawatts) from the Tanakpur project which was denied. Such an attitude on the part of India may create difficulties in future while negotiating on other mega-projects impairing even the Indian interests in the long run.

The controversy in Nepal over the Tanakpur issue had thus, drawn India into the fray. This was conspicuously displayed in the joint communique issued at the end of the Indian Prime Minister Narasimha Rao's visit to Nepal between October 19-21, 1992. India's generosity of availing Nepal of an additional 10 million units of power supply free of cost was in itself a recognition of the fact that it had not given what Nepal previously deserved¹⁰. As the Indian foreign secretary J.N. Dixit had said in Kathmandu that the term "sympathy" bears no relevance while conducting foreign policy¹¹, it was apparent that India was not treating Nepal as a specific case but in the context of New Delhi's national interests to make the Indian position palatable to seemingly "anti-Indian" factors in Nepal than ease the problem faced by the Nepalese government internally on the issue. The content of the joint communique that came in the shape of certain clarifications from the part of India also exposed the fact that how insensitive that the Nepalese foreign policy bureaucracy was while underwriting a treaty document in international relations involving the fate of the nation it served.¹²

Further clarification on the Tanakpur issue was made by India when the parliamentary delegation led by Speaker Daman N. Dhungana met with the Indian minister of state for foreign affairs R.L. Bhatia at the Tanakpur Barrage site on February 7, 1993. The clarification, however, was a double speak and paternalistic as well. The logic was that India was more than forthcoming in helping Nepal to tie over its difficulties while presenting New Delhi's case. Bhatia was candid in telling Nepal in no uncertain terms that Nepal had been facilitated more for nothing in return and India was generous enough to suffer loss. Excerpts from some of the points he made at the meeting suggest of the Indian mindset:

- India has suffered a certain loss by giving 150 cusecs of water to Nepal. By "this act we have lost 50 million KW of electricity".
- "Total loss to India would be 80 million KW of electricity by sharing with Nepal."
- "In order to save 60 hectares of land in Nepal, we have to reduce the height of the dam. This means there is a loss of 29 million units and the cost of generation of electricity has gone up."¹³

Bhatia's astute diplomacy was repeatedly couched with the phrase "We have given you" notwithstanding his later submission that "Tanakpur project would not have been there if Nepal had not contributed. Its for mutual benefit." He refrained, however, to mention a crucial point: had not Nepal provided its territory to build the left afflux bund, India's total capacity to generate electricity from the Tanakpur project would have been much less than the estimated 125 MW. Amidst this conspicuously contradictory remarks, Bhatia had also suggested that "India will be happy to have [this] project done on international basis, because we have other projects to be completed with Nepal", in a reply to a query of MP Prakash Chandra Lohani.¹⁴ If India is sincere and serious to work on other projects on the international basis, as implied by Bhatia, it is for Nepal to rope in this alternative to present arrangement.

The blow up of the Tanakpur Barrage case has a serious implication for the future of Nepal-India relations. As a substantial interest of these countries to determine the prospects of their economies tied with power generation is being disputed by the case, their mutuality of interests to share the water resources would remain on paper not on the projects. In view of the estimated vast potentiality, Tanakpur Barrage project is a minuscule case. If a case like this could pose a thorn, it foretells the complexities in reaching understanding on future mega-projects. Though the Nepalese Prime minister is on record to have dismissed this problem as a "storm in a tea cup", the spill over effects of the 'tea cup' has made him well aware of the crisis his leadership has faced by its virtual isolation on the issue and which has still to await for the final verdict, perhaps in the forthcoming sessions of the parliament. In the absence of the two-third majority, his government would fall and make any successor government more cautious and sensitive while making a deal with India. Alternately, if the incumbent government succeeds in mustering a bipartisan support to its cause in the parliament, it would be a grand success but without any tangible achievement to resolve the crisis. Because ratification of the treaty in the parliament either by a two-third majority or by a simple majority is simply a process to satisfy constitutional requirement, not change the ground reality. As of now, it remains to be seen the supply of the 20MU of power and 150 cusecs of water to Nepal and the question of guarding the left afflux bund for its safety is yet to be decided. Perhaps the modality provided by the Tanakpur case would be inappropriate for the future of water resources sharing relationship between Nepal and India. Contemplating a renegotiating on the project, therefore, could be a best guide for the future. As the government of India has suggested an alternative to the present arrangement – if R.L. Bhatia's words were to be taken as India's intention – Nepal could gain an opportunity to reassert its position to correct

previous lapses. For Nepal, it would not be an exaggeration to suggest that renegotiating is the only means through which it would be gradually able to change the status quo in Nepal-India relationship.

Need to Revitalize the Relationship

A status quoist relation could perhaps be strain free, at least in the governmental perceptions, and could also be easy to handle as all the parameters of relationship are already defined and acquiescenced with. Policy changes at the governmental level are also a difficult task so long as the policy makers think a change in the approach towards certain issue would not be immediately beneficial to them or the leadership that constitutes the ruling elites. Continuity in most cases of foreign policy is the best guarantee to pursue a policy which would cushion the legitimacy of the leadership to formulate policy in a given situation. Nor would such a continuity be seriously challenged. Whereas a certain deviation from the past pattern would be alike risk-taking while endeavouring a change which would also be beyond the capacity or even the imagination of a leadership influenced by the carpetbaggers.

Assumption of a predeterministic future, as stated above in this paper, has largely contributed to the status quo per se in the relationship between Nepal and India. Further, a weak leadership whose interests are only confined to the tenure of its office not the history of the nation it leads compromises its ability to foresee anything beyond the realm of its tenure. In Nepal in particular, this sense of the future is manifested in several forms. A small state with its landlocked geographical situation is thought to be an impediment, hence what a leadership can best do is to adjust to an already determined future and make the best of what is bound to happen any way. This pessimism is reflected both in the absence and avoidance of a systematic planning in the field of foreign policy. A landlocked country's specific goal should be to make conscientious efforts to realize the transit right as facilitated by the international conventions while negotiating with the sea-board country. Previous Nepalese efforts in the matter were resisted by India for one or another reasons; prominent among them was the fear of the loss of Indian market in Nepal. This situation still prevails. What has however changed is the economic policy in India which is demonstratively more liberal than before. This change in India's economic policy is duly expressed in India's trade concessions to Nepal recently which is used as a salami tactics while negotiating with Nepal. Unfortunately, these concessions could not be seen even as an asymmetric responses in the context of preferential trade relations between Nepal and India under the framework of the 1950 treaty, because the original agreements had provided less than what was due

to Nepal. Again India's trade concessions were relative not only to Nepal's capacity to export but also to its acquiescence with Indian security sensitivities and withholding of the work permit system in response to a 'reciprocity' which cannot be applied in an asymmetric situation. It is distressful to suggest that Nepal could not even learn from India's use of linkage politics. Nepal could have applied this lesson while negotiating for the transit rights. Nepal could have, at least, asked for perpetual transit rights in exchange for the land Nepal has given to India for perpetuity to build the left afflux bund of the Tanakpur project. This swapping strategy could have become a test case to determine the future of Nepal-India relations.

There should also be a reconsideration on Nepal's virtual borderless status in relations with India, not vis-a-vis India. Free flow of Nepalese goods is still restricted under the stipulation of the requirement of 50 percent indigenous contents whereas Nepal is open to Indian supply. Consequent widening of the unfavourable balance of trade between the two countries has become an irritant, though dormant, it could explode the myth of interdependence between the two in the long-run. A recent review of the bilateral trade relations by a Nepalese delegation in New Delhi revolved around the old problems such as the means for reducing the transit cost, availability of an alternate transit port, compatibility in duties and excise levied on Nepalese industrial products imported into India as imposed on similar products in India, aside from a certain exercise to attract investment in Nepal.¹⁵

Another critical problem which could be disastrous in the future of Nepal-India relations is the problem of migration eased by the open border. Already certain agreements between the two have commenced to prevent cross-border terrorism. India is suspicious of the ISI, LTTE, Kashmiri and Punjabi separatists' operations from across the border in Nepal. This could create unwarranted trouble for Nepal in case such immigration in the guise of common Indian citizen remains unchecked. Thus migration across the international border which was not a serious source of conflict previously could turn out to be a content of inter-state dispute. Incidentally, the intermittant quarrel over the "people of Indian origin" (which has also become a strong point in reference to the origin of Sadvawana Party in Nepal) could generate unwanted ethnic turmoils in Nepal (which, in fact, has already encouraged several Jana-Jati groups to build pressure on the government.) Several reasons that first attracted immigration in the Tarai from India have increased manifold as development efforts grew. The influx of people from India, compared to India from Nepal, though smaller in size, has always been seen as greater in impact.¹⁶ It should, obviously, be made clear that there could neither be compatibility nor reciprocity on the

unchecked movement of the people on account of physionomical and demographical differences between the two countries.¹⁷ Policy makers in Nepal must also be cognizant with the reality that planning perforces not only the space of time but also the space confined by territory. Borderlessness makes the concept of space void.

Thirdly, Nepal should also prepare for the inevitable by overcoming its inhibition to approach India to regulate the border to record the human and commodity transit properly. Perfunctory arrangement is crisis prone, hence both countries should mutually decide for the better results on this issue. Earlier Nepal had developed cold feet fearing India's reappraisal whenever the issue was raised. The question that stormed the Nepalese psyche was that how will the country adjust with the challenges posed by the Nepalese returning from India if the border regulation and the work permit system will be invoked. Traditionally, India has provided a safety valve for Nepalese working class by absorbing thousands of Nepalese youth of working age. Perhaps a majority of them are now Indian citizens of Nepali origin as there are Nepali citizens of Indian origin in Nepal. However, this fear is not unfounded. As the past Indian behaviour suggests, Nepal has absorbed persecuted Nepalese from Assam/Megalaya areas in the 1980s. This can be repeated in the sense of fury. Although Article six of the 1950 treaty vouch against such behaviour, this provision has been applied more stringently in the context of Nepal. Furthermore, Article seven of the same treaty unholds the "privileges" India enjoys in Nepal on the 'reciprocal basis' which has virtually become an euphemism for Indian dominance in every competitive sectors except civil service (government) and the armed forces. In the short term the fall out of such an arrangement between Nepal and India is gradually being expressed by the resurgent Jan Jati movements in Nepal. The long term implications for the contracting parties, as sustained by the 1950 treaty, would be damaging to the good neighbourliness whenever ethnicity is articulated. What is implied here is the context that ethno-demography has become a mutual problem in fostering bilateral relations between Nepal and India. Relationship could long been served and made thriving and beneficial by periodical review of the existing framework. Perseverance in relations to resolving mutual problem is the coin of modern diplomacy, not persistent aviodance in confronting the problem. The art of diplomacy is to sense the time, at which a certain problem that was previously intractable may suddenly become tractable. Stagnant policy posture may only make an apparently resolvable problem more complex. Fourthly, like it or not, the future of Nepal-India relationship would be largely determined by the question of a proportionate sharing of the water resources, irrespective of the types of government in the respective countries.

Since the onset of the Sarada Barrage agreement between the British India and Rana Nepal in 1920, followed by the Kosi (1954) and the Gandak (1959) agreements, the process of negotiation on water resources development has been a series of controversy rendered by a relationship between a dominant partner and a limited option neighbour. Renegotiation, further amendments and modifications over the agreements of the Kosi and Gandak projects over the sovereignty issue, rental of the land used for 199 years, compensations for the displaced persons and water for irrigation facility etc., had dragged on for over decades to make both parties, particularly Nepal a more cautious participant as the issue of water sharing became extremely sensitive in the domestic context. The proposed Karnali project that is yet to be implemented is the consequence of differences persisting between Nepal and India over the modality of collaboration. Previous experiences with India has significantly influenced the Nepalese decision makers' perception on the issue. The point is that Nepal is least prepared to loose a considerable control over the Karnali project. Obviously, Nepal will be interested in sharing the rights than benefit in water resources cooperation with India. Agreement on this point could facilitate cooperation, even though India's first among equal priority had already wasted three decades to reach any substantial decision on Karnali project ever since it was first considered in 1963. As the "Agreed Minutes"¹⁸ of December 4-5, 1991 has extensively covered the understanding reached between Nepal and India on the sharing of the water resources, the fate of implementing these understandings now, however, hangs on the successful resolution to the Tanakpur controversy.

Equally genuine is the problem of flood control which is intricately linked with the sharing and management of the water resources and the Himalayan ecology. The devastating flood this July had clearly indicated about the magnitude of problem that was unprecedented in terms of both human and resources loss. Across the border, the Indian state of Bihar was grievously affected where in the Sitamarhi district only over 800 villages were inundated making 50,000 people homeless. Decades of flood-control efforts have not changed this situation. The only remedy to this crisis is to build high dams on the rivers in their catchment areas in Nepal, as Prime Minister Narasimha Rao reportedly said. "Till then, we have to fall back on our own resources, our own method to alleviate the suffering of the people." To resolve this perennial problem, the Prime Minister added: "We have to make Nepal agree to it as most of the major rivers originate from Nepal. We have been holding talks but not enough progress has been made."¹⁹

Although this statement is indicative of the present state of relationship, it is actually meant for the future of Nepal-India ties which have been complicated by the water politics since long. Nepal should be thoroughly

cognizant with the broader ramifications of dam sites and reservoirs on its territory in relations to the tremendous impact they will render on the environment and indigeneous population. Only scant benefit in economic terms would not justify major dam building projects with adverse repercussion on national ecology and sacrifice of the national property for an unassured friendship. Theri and Narmada dam projects in India have exemplified the complications involved in such efforts. Again the national security implications of dam failures in the region is comparatively high (India has the second highest rate of dam failures in the world which is recorded at 9.2 percent.)

Building of the high dams like the Sapta Kosi multipurpose project and flood embankment projects are not only confined to the bilateral interests between Nepal and India; another prospective partner in this endeavour is Bangladesh. Nepal may be lead to opt for a multilateral arrangement for such projects if it were to consider both Indian and the Bangladeshi proposals which remain to build eight high dams and reservoirs in the Nepalese territory.

These agendas, as touched upon above, are crucially tied to the national future, therefore, the national priority should be to articulate a position on the issues of its national interests. A successful foreign policy depends on the clearcut articulation of a realistic policy which could ensure the national interests and chart a future unambiguously. Initially a national consensus on these agendas should be strived at because all these require parliamentary support according to the constitutional dispensation. Armed with a national consensus the government could practically deal with any problems concerning its interests with India. Only a satisfactory resolution to these problems outlined could in essence revitalize the Nepal-India bilateral ties. Otherwise the problem will staggeringly be same and their relationship stagnant.

Living in the Shadow

Crucial to the Nepal-India relations of the future is a question: Should both countries live in the shadow of the bilateral relationship of the past? Incongruous policy structure and inconsistency in its advocacy on the part of Nepal have much contributed to a continuity adversely affecting its maneuverability which, as a matter of fact, is an instrument for a geopolitically disadvantaged nation like Nepal to broaden its diplomatic horizon. The absence of a central intellectual force guiding the foreign policy, subsisting it by nonprofessionals at the diplomatic service as a reward for personal service, has continued to make disorderly policy formulation. This context should necessarily be changed if Nepal ever wish to achieve certain

definitive result of its policy. Primarily, Nepal has to formulate an understandable policy patterned to achieve a defined goal. This goal in its historical context could be attempts to change India's traditional interests, alter its behaviour or even try to inhibit its ability to act adversely. Attempting to change India's interests would involve altering the basic values of Indian leadership, a task which is difficult to accomplish in the short-run. Most attempts to alter the Indian behaviour with diplomatic bargaining were a failure and acquiescence to the latter's position has narrowed Nepal's policy options. And it would be beyond Nepal's capacity to inhibit India's ability to act in any perceivable future.

This situation leads to another speculative question: will Nepal be able to achieve any of its objectives? Given the trends of the past four decades in Nepal-India relations, the question remains only of academic value. Aligned with this question is the current situation faced both by Nepal and India. If the present economic crunch in India were to continue indefinitely and will be harbingers of the future, Nepal could face a much weaker India with increasing societal problems impinging its political-economy. If the situation will be reversed as a consequence of the liberalization of the Indian economy and enlightened leadership policies with a break-through in the sphere of high technology acquisition, Nepal could face a much more powerful India. Where on this spectrum of possibilities will India emerge, and how much impact will Nepal have on the outcome. These are the issues to which to turn if Nepal has sought a better future in its relationship with India through economic cooperation. Development of a cooperative structure between Nepal and India remains a problem which is nevertheless compounded by the perceived self-interests and the endeavour to preserve the gains in pursuit of these interests.

An alternative future against the past and the present state of relationship is akin to traversing an unfathomable uncertainty. Perhaps a disinclination towards a change or a fear of India's rebuttle to any policy change were the self-fulfilling nature of the past policy premises. What would be India's response and how would India view its objectives and its relative priority remain a difficult proposition to understand. However a refrain in the policy making from contemplating any probable response from India may lead to a loss of initiative if Nepal desires to change the status quo. The problems confronting Nepal's future could best be anticipated within the context of status quo and only by toying with the ideas to change the status quo, projection for future could be made. If a leadership that contemplates future is honest, it should question the status quo and institutionalize a process to prepare for challenges to be faced in future. A relationship that is stagnant but is difficult to cope with remains superficially 'stable' (as in Hindu

marriage system that discourages divorce), which finally destroys the prospects of amelioration, should better be discarded sooner than later, and replaced with constructive engagement with a thorough review of previous position and procrastination between Nepal and India.

Notes

1. The fear of China determining the evolution of Indian approach towards Nepal is succinctly elucidated by S.D.Muni, *India and Nepal: A changing Relationship* (New Delhi: Konark Publishers, 1992).
2. See Dhruba Kumar, "Managing Nepal's India Policy", *Asian Survey*, July 1990, p. 705.
3. Dhruba Kumar, "Asymmetric Neighbours", in Dhruba Kumar, ed., *Nepal's India Policy*, (Kathmandu: Centre for Nepal and Asian Studies, 1992), pp. 17-19 and the Appendix-A.
4. As the controversy exploded, some members of the interim cabinet who were equally responsible for approving the joint communique refused to be a party to it suggesting that they had been denied access to the document before it was made public on June 10, 1990. Two members, Mrs Sahana Pradhan of the United Left Front, and Mr Devendra Raj Panday representing the independent intellegencia were the participants in negotiation with India. Only the Royal nominee in the cabinet was not represented during the negotiation. However, it does not mean that it was not a collective responsibility.
5. See *The Constitution of the Kingdom of Nepal 1990* (Kathmandu: HMG/Ministry of Law and Justice, 1990), p. 73, (in Nepali).
6. For details refer to the spat of technical papers and debates published in the local press in 1991-92. Also see the *Report of the Select Committee of the House of Representatives, 2049* (Kathmandu: Parliamentary Secretariat, September 2, 1992), a compilation of documents *Tanakpur: From Beginning to the End* (Kathmandu: Pairavi Pustak Bhandar, December 1992), and the report of the government constituted recommendation commission *Report on the Evaluation of the Agreement on Tanakpur Barrage Project between Nepal and India* (Kathmandu, February 14, 1993). This report concluded that the agreement was of common nature. The submission of this report also coincided with the opening of the Fourth Session of the Parliament.
7. For the full text of the letter sent by Ganesh Man Singh see *Kantipur*, March 11, 1993, p. 3.
8. The president of the Nepali Congress party, Krishan P. Bhattarai, had also implied for the requirement of the two-third majority of the joint

session of the parliament while addressing a seminar on Tanakpur Barrage project, organized by the 'Abhiyan' group on February 17, 1993.

9. For both of these statements made by Bihar's chief minister Lalu P. Yadav and Muchkund Dubey, former Foreign Secretary in the Indian Ministry of External Affairs who had personally dealt with Nepal on the issue, at a seminar "Cooperative Development of Indo-Nepal Water Reservoirs" see *Suruchi Weekly*, September 20-26, 1992, p. 8. It was maintained that the 125 MW Tanakpur hydro-electricity project had serious physical implications for the Mahakali Irrigation project in Nepal. See Dipak Gyawali and A. Dixit, "Righting a British Wrong", *Himal*, May/June 1991, p. 10.
10. See the Joint Communique "Visit of the Prime Minister of India to Nepal, October 19-21, 1992, issued in Kathmandu on October 21, 1992.
11. As reported in the *Bimarsha Weekly*, October 23, 1992.
12. The "2.9 hectares of land given to India to build 577 metres of of the left afflux bund remains under the complete sovereignty of Nepal... with the nonconsumptive use of water, supply of 150 cusecs of water to Nepal would be perennial..." See the *Joint Communique*, October 21, 1992. Still whether the land given to India was for perpetuity or not remains indeterminate.
13. See an "Interview with the Indian minister of state for External Affairs R.L. Bhatia", released by the government as per the demand of the opposition parties. "Tape on Tanakpur" *Nepal Television* March 6, 1993.
14. See "Tape on Tanakpur", *Nepal Television*, March 6, 1993.
15. See the *Kathmandu Post*, October 22, 1993.
16. For details see Lok Raj Baral, *Regional Migration, Ethnicity and Security: The South Asian Case* (New Delhi: Sterling Publishers, 1990).
17. Even by a conservative estimate, Nepal will have 31 million population by 2010. India's population is estimated to reach 1.6 billion by that date. See *World Population Data Sheet* (Washington DC: Population Reference Bureau, April 1991).
18. Excerpts are published in *Nepal Gazette*, December 23, 1991; for details see the "Agreed Minutes of the Second Meeting of the Indo-Nepal Joint Commission", held on December 4-5, 1991.
19. For the data see "Monsoon Misery", *Frontline*, August 27, 1993; for Prime Minister Rao's statement see *The Hindu*, July 31, 1993.

TRANSITION TO DEMOCRACY IN NEPAL: NEGOTIATIONS BEHIND CONSTITUTION MAKING, 1990

Krishna Hachhethu
CNAS/TU

Introduction

Democracy in Nepal first attained in 1951, through an armed revolution against the autocratic Rana Regime, was short lived. By a coup d'état in 1960, the late King Mahendra dismantled the parliamentary democracy and introduced the partyless Panchayat system. After 30 years of the Panchayat Raj, the movement for the restoration of democracy was launched jointly by the Nepali Congress (NC) and the United Left Front (ULF)¹ in February-April 1990. The mass movement terminated successfully in its objective to restore the multiparty system. The lifting of the ban on political parties on April 8, 1990, however, opened up new conflicts between the King and the movement leaders on several issues, with its focal and culminating point in constitution making.

Did the dawn of the multiparty democracy mean the end of the Panchayat system? Would the King continue to enjoy his traditional prerogative to grant the constitution in the changed context? What would be the nature and content of the new constitution? During the negotiations held on each of these issues, the palace and its allies made every possible effort to minimize change in order to sustain most of the King's traditional power, position and privileges. On the other side, notwithstanding the democracy movement's initial simple objective of legalizing party politics in the country, the parties involved in the democracy movement made four successive upward revisions in its goals during the period between April 8 and November 9, 1990. First, legalization of political parties; second, abolition of all Panchayat institutions; third, formation of a constitution drafting committee on the recommendation of the prime minister against the traditional prerogative of the King; and, last, constitutional monarchy.

This paper tends to analyse negotiations held between the King and the movement leaders on the following political issues: removal of the ban on political parties; dissolution of the Panchayat institutions; formation of a

constitution drafting commission; drafting of the constitution; revision of the draft constitution by the cabinet; counter-draft constitution submitted by the palace; and finalization of the constitution. The paper focuses upon the goal set by the contending parties, bargaining techniques and strategies applied to assert their own points against the others, development that influenced the negotiations, skill and style of the negotiators, reconciliation of differences, accommodation of each others views, compromise, etc. This paper is mainly based on primary information obtained through interviews with a cross section of leaders who were involved directly in one or other major issues (see Appendix 1).

One Agenda Three Perspectives

The mass movement was formally started on February 18, 1990. At the moment when the popular struggle was gaining a revolutionary character², King Birendra abandoned the suppressive line, and sought for dialogue to resolve the political problem in the country. The agenda was obviously the two-point demand of the mass movement: multiparty system and interim government. But the King, on his part, proposed political reform within the Panchayat structure, while the NC pursued the goal of freedom for political parties. Besides, the ULF sought for the dissolution of the Panchayat institutions along with the restoration of the multiparty system.

King: For Political Reform: By a proclamation on April 6, 1990, King Birendra put forward a three-point proposal for starting negotiation. First, Marich Man Shrestha's cabinet was replaced by a four-man Council of Ministers headed by Lokendra Bahadur Chand. The movement leaders were offered for accommodation in the new government. Second, the agenda was 'political reform'. The proposed reformation was confined to the Panchayat structure. The proclamation harked back to the national referendum of 1980 which had endorsed the Panchayat system. Besides, the same proclamation issued a notification to convene the session of the Rastriya Panchayat (national legislature). Third, the Chand government was deputed to hold talks with the movement leaders. The prime minister following instruction invited Devendra Raj Pandey on April 6 and Padma Ratna Tuladhar on April 7 to his office where he requested them to convince Ganesh Man Singh (commander of mass movement and supreme leader of the NC) and the ULF leaders for sincere dialogue to resolve the political crisis in the country.

Devendra Raj Pandey said that Ganesh Man Singh rejected outright the prime minister's offer for negotiation with the words "I refuse to meet even with the King without the announcement of the multiparty system." Hundreds of thousands of people marched on the street to display their fury

against the royal proclamation on the morning of April 6. The palace was put in an unenviable position by the loss of the lives of scores of demonstrators in front of the palace in the afternoon from indiscriminate firing by the police and the army personnel. The hope of tackling the situation at the government level and through the proposal for reform within the Panchayat framework was soon proved miscalculation. Minister Pashupati Shamsheer Rana said that the King and the Chand government, therefore, changed the strategy straight away on the night of same day, April 6. Accordingly, the agenda shifted from the King's earlier proposal for political reform to the demand of the popular movement for the multiparty system. Instead of the Chand government, the King himself would talk with the representatives of the movement. The cabinet members shared the responsibility of contacting and consulting with each senior leader of the NC and the ULF separately. Minister Rana said that he found the president of the NC, Krishna Prasad Bhattarai, and some of the ULF leaders – i.e., Man Mohan Adhikari, Radha Krishna Mainali, especially – responsive in his meeting with each of them on April 7, 1990.

NC: For Freedom of Political Parties: On April 7, 1990, the NC troika – Ganesh Man Singh, Krishna Prasad Bhattarai and Girija Prasad Koirala – met during the curfew after they received the signal that the demand for the multiparty system could be fulfilled. They had two alternatives. First, they had to satisfy the major demand of the mass movement – the multiparty system – and then they had to respond to the King's offer for talk. Second, the magnitude of the mass movement had spurred additional demands. It was thus quite natural that the target of the people exceeded the previously settled two-point demand. But the NC faced a dilemma. What would happen if the King refused to meet the additional demands? Two possibilities were inevitable. The movement would be radicalized violently. The King, on his part, might impose martial law. In such a foreseeable scenario, the NC might lose its grip on the popular movement.

In all anxiety, the NC avoided taking the risk of putting up additional demands. Its troika's meeting on April 7 therefore unilaterally decided without consulting with the ULF to talk with the King for the announcement of the multiparty system. Their fear-psyche acted all the while when they changed the line on the next day, April 8, in favour of putting additional demands in response to the pressure by the ULF leaders. In response to the ULF leader's demand for dissolving the Rastriya Panchayat, an eyewitness, Padma Ratna Tuladhar said, the NC president Bhattarai tried to dissuade them, "What will be left to struggle for in the future if we gain all at one stroke?" Tuladhar said that Ganesh Man Singh later accepted the ULF's demand, after the ULF

leaders relentlessly insisted, with the words "This issue can be put up before the King".

ULF: For Dissolution of Panchayat Institutions: "The end of the Panchayat system", the ULF put it up as the agenda for talk during minister Rana's visit to the ULF meeting place on April 8, 1990. This happened under typical circumstances. First, the ULF meeting was going on at loggerheads. One of the participants of the meeting, Padma Ratna Tuladhar described that the moderate section of the Front, like the Amatya, the Verma and the Manandhar groups urged participation in talks with the King on the point of the multiparty system. The radical wing, such as the Marxist-Leninist (M-L) and the Fourth Convention urged "the end of the Panchayat system" as the agenda for negotiation. But the problem was that the ULF could make a decision only in unanimity. Second, before the ULF meeting came to any conclusion, its leaders were informed of the NC's decision to meet with the King to put up the demand for multiparty system. This influenced the ULF to take its own decision. Minister Rana – who read the demand of the ULF to end the Panchayat system as indication of the communists willingness to continue the movement – said that the communist leaders came in line to participate in the negotiations only after Ganesh Man Singh threatened to alienate them if they refused to enter into dialogue. Ganesh Man Singh conceded this, "I suggested the communist leaders to accept the offer for talks since the main demand of the mass movement – the multiparty system – was going to be fulfilled."

Judging from the prevailing circumstances there was a risk of alienation of the radical wing of the ULF from the NC and even from the moderate sections of the Front by seeking an alternative to dialogue. Ultimately, the ULF meeting decided to enter into dialogue on the condition of achieving the multiparty system.³ However, the representatives selected by the ULF for this job were instructed to put pressure on the NC, at least, to raise the demand for dissolution of the Rastriya Panchayat before the King. The ULF representative succeeded in convincing the Congress leaders on this point.

The movement side strengthened its position vertically. The King was forced to change the content from 'political reform' within the Panchayat structure into multiparty democracy. And, the NC and the ULF agreed to put up an additional demand for dissolving the Rastriya Panchayat. The establishment also adroitly made the situation favourable horizontally. The Chand government capitalized on the curfew for around 55 hours (April 6-8, 1990) controlling the communication channels. It managed to meet both the NC and ULF leaders separately only after the individual consultation of ministers with the movement leaders had already progressed. After the NC

agreed to meet the King and the Nepal Television recorded the interview of the NC president, the government arranged for a joint meeting between the NC and the ULF leaders in afternoon before they visited the palace in the evening of April 8. The NC was in hurry for talks and the late decision of the ULF helped to the establishment in its plan to bring the movement leaders to the negotiation table⁴ without allowing them time for a thorough working out of the details.

Two participants in the April 8 negotiations – minister Pashupati S. Rana and the ULF president, Sahana Pradhan – said that King Birendra fully exploiting the lack of preparation of his opponents brought additional issues beyond the multiparty system like constitution reform commission, the interim government etc. to seek commitment of the movement leaders in favour of primacy of the erstwhile establishment in post-agreement politics. The representatives of the movement took a defensive position vis-a-vis the King's proposal. However, Sahana Pradhan claimed that the representatives of the movement suggested the King to constitute a new government and dissolve the Panchayat institutions, but the King hedged. Neither the movement side nor the establishment was in a position to assert their respective points. The former had the disadvantage of the lack of good preparation. The King dreaded to think of the consequences if the talk failed. So both sides felt comfortable buying time to review the situation later with an understanding that their differences would be amicably resolved through negotiations in coming days. But the enthusiasm for the announcement of the multiparty system came as an anti-climax, both in content and level. By a royal notification on April 8, the word 'partyless' was deleted from the panchayat constitution.

Abolition of Panchayat System

The April 8th understanding for subsequent negotiation actualized on April 15, 1990 between the Chand government and the representatives of the NC and the ULF.⁵ To ensure minimal change in the absolute power of the King in the changed context after the restoration of the multiparty system, the palace sought for the protection of panchas and the Panchayat institutions. But the people and the movement leaders exerted pressure for maximum change.

Palace and Government: Protection of Panchayat Institutions:

In the first interview, after the removal of the ban on political parties, on April 10, Prime minister Chand claimed his government be the 'interim arrangement', diminishing the spirit of popular movement in which "objections had been raised against the working style of His Majesty

Government under the Panchayat itself.”⁶ Showing pleasure in sitting for talks again soon, he boasted, “the Panchayat would continue to fulfil its role and adjust to the new situation.”⁷ This suggested that the palace and the panchas were searching for a way to settle the problem reminiscent of the 1951 experience. By the armed revolution in 1950/51 the Rana Regime was overthrown but the last Rana Prime minister Mohan Shamsheer was retained as the prime minister in the post-revolution Rana-Congress coalition government.

The Panchayat establishment wished to defuse the political crisis with a minimum loss. But the King and the Chand government conceived that the situation, which emerged in the demonstration of the people’s power on April 6 followed by the movement leader’s quest for rapid and radical change, demanded more than they wanted to give up. But on April 8, the representatives of the movement gave a sense of relief to the Panchayat establishment. Minister Pashupati S. Rana said that the Panchayat camp read the euphoria of the representatives of the mass movement that spilled over shortly after the agreement to lift the ban on political parties as a hope to resuscitate the Panchayat machinery in the changed political context. But the NC and the ULF changed their line soon after their representatives left the palace on the night of April 8. Minister Rana said that not only did the movement leaders refuse outright the Chand government’s offer for their accommodation in the cabinet, they increased their demands during his informal consultations with the Congress and the Communist leaders. Though the palace and the panchas contended the new demands before the movement leaders, they relinquished their earlier hope of propping the Panchayat institutions. The people were aggressively poised for sweeping change. “King Birendra could not overlook the situation,” said a despatch of Mark Tully’s BBC broadcast, otherwise, “the time is ripe for another revolution that will be against the monarchy.”⁸ Since the King and the Chand government were bewildered by the fluidity of the situation unfavourable to them, persuasions for formal negotiations dragged on for a few days.

People: Total Political Change: For the people, the triumph of democracy mingled with acrimony that the notification of the deletion of ‘partyless’ from the Panchayat constitution did not represent what the change meant for them. Greeting the reconciliatory remark of Girija Prasad Koirala, general secretary of the NC, that movements outcome was “a victory of the people as well as of the King and the panchas” with an uproar at the mass meeting on April 9, the people showed their wish that they wanted to understand the dawn of multiparty democracy as the demise of the Panchayat system. In fact, the popular expectation of and articulation for radical change

followed from their pivotal role in the mass movement which gained a revolutionary character at the later moments. Almost all the leaders who addressed the meeting took the position that the achievement of freedom of parties was just a prelude to full-fledged democracy. The assurance of the leaders for the continuation of struggle spearheaded the popular demand for the abolition of the Panchayat system in its entirety. The movement leaders thus had to reset their goals beyond the previously settled two-point demand.

Leaders: Reset the Goal: The NC and the ULF upheld the popular voice for more change. On the night of April 9, after the April 8 agreement, Ganesh Man Singh issued a statement, "It is wrong to say that the NC regards the pro-democracy movement as having been completed... the struggle will continue... until democracy is restored.... Since the term partyless has been deleted from the constitution, the present Panchayat constitution has become an anachronism and its operators have lost political legitimacy".⁹ In the ULF meeting, held the next morning after the April 8 agreement, Lila Mani Pokharel (Fourth Convention), Shyam Koju (Rohit group), and Padma Ratna Tuladhar (independent-left) criticized that the agreement was made at a point less achievable than the circumstances offered.¹⁰ The M-L – the most influential member of the ULF – reacted to the April 8 agreement as "feeble, weak and inauspicious".¹¹

The primary focus of the movement leaders was initially directed at replacing the Chand cabinet with another consisting of the representatives of the NC, the ULF and the panchas headed by the King. But by the evening of April 11, the demand transformed from the dissolution of the National Panchayat into the the abolition of all Panchayat institutions. In order to push for new demands, the NC and the ULF jointly formulated an eight-point demand.¹² They had two advantages in moving their new demands. First, the purposeful non-participation of the commander of the mass movement Ganesh Man Singh in the April 8 agreement¹³ so that he could submit the eight- point demand to the King on April 13. Second, Ganesh Man Singh said that he offended the King by saying that "people moved ahead faster than the demands of the mass movement" when the King told him that "these are not demands of the mass movement." Ganesh Man Singh said further that the King instructed him to settle the issue of the eight-point demand through negotiation with the Chand government.

Negotiations, held between the representatives of the multiparty side and the Chand government on April 15, continued for fourteen hours. The negotiators from the Panchayat side were already demoralized for two reasons. First, the initial hope for the survival of the Chand government was already sunk by an understanding reached between the King and Ganesh Man Singh

to form a new government in the presence of Prime minister Chand on April 13. Second, as Pashupati S.Rana saw the King was bewildered, so he was unable to give clear guidance to the government; the government was also in disarray that it could not properly advise the King on how to tackle the situation.

The situation was favourable for the multiparty side in more than one way. In the negotiations held between the victorious movement leaders and vanquished panchas, the agenda also consisted of the eight-point demand put forth by the multiparty camp. The leadership was under pressure from the people and party workers to push the demand in a way that could not be subject for bargaining.¹⁴ Ganesh Man Singh said that the leaders for the negotiation were strictly instructed to be intransigent on the eight-point demand. The open location of the talk in the Academy hall allowed a crowd to form and exert overt pressure on the negotiations.

Nilamber Acharya, one of the negotiators from the multiparty side, said that the panchas initially tried to protect the Panchayat institutions. But they gave up their stand as the crowd frequently entered into the negotiation hall, and the multiparty negotiators threatened to break the discussions. Minister Pashupati S. Rana confirmed that after Prime minister Chand contacted the King by telephone, the Panchayat side agreed to consent to all demands of the opposition except for the dissolution of the local Panchayat units. Nilamber Acharya said that the Panchayat side accepted all demands but refused to sign the document of the agreement. The multiparty side therefore declared the failure of the negotiations. Yet the April 15 negotiations concluded with a general agreement on the demands of the multiparty side. Minister Rana said that the Chand government advised the King that night to make an unilateral declaration fulfilling all the demands as agreed.

On April 16, King Birendra proclaimed the dissolution of Rastriya Panchayat, Panchayat Policy and Evaluation Committee, class organizations, and also accepted the resignation of the Chand government. The entire Panchayat system was dismantled at one stroke. After consulting with Ganesh Man Singh, King Birendra accepted Singh's proposal to appoint the NC president, Krishna Prasad Bhattarai, as prime minister. Prime minister Bhattarai then formed a coalition government constituting the representatives of the King, the NC, the ULF, and independents.

Constitution Commission

After the dissolution of the Panchayat institutions, no more options were left to the King for retaining his traditional power except one – exerting his prerogative in forming a constitution commission. But the success of the movement forces to install their primacy in the composition of the interim

government had reset their target. The immediate target was directed against the King's prerogative to grant a new constitution.

King and his Prerogative: On May 11, 1990, a notification from the palace constituting a seven member Constitution Reform Recommendation Commission (CRRC) was broadcast. The notification harked back "in accordance with the King's royal proclamation of April 6, 1990." and "in the spirit of the press communique of April 8, 1990." On April 6, the King had proclaimed for the constitution of a CRRC that would submit its suggestions for political reform to the King. This phrase had repeated in a press communique on April 8 with the addition that the partyless provision had been deleted from the Panchayat constitution. By constituting the CRRC on the King's own discretion, ensuring his authority to grant the constitution, His Majesty Birendra showed his desire to influence the text of the constitution. Allocating only two seats for the movement forces, one each for the NC and the ULF, the palace sought protection from the possibility of substantial decline in its traditional power and position through the proposed new constitution commission.

Parties: Reset the Goal: The NC and the ULF had made upward revision on their goal relating to the constitution. Previously, as incorporated in the eight-point demand, they pressed for the repeal of all provisions of Panchayat constitution that contradicted the multiparty system and the formation of a constitution drafting commission with adequate representatives of the NC and the ULF. These demands did not challenge the prerogative of the King to grant a new constitution. But Ganesh Man Singh's meeting with the King after the proclamation dissolving the Panchayat institutions marked the genesis of a new demand, constitutional monarchy. The press note issued by the NC in this context stated that during the meeting with the King, "Ganesh Man Singh repeatedly emphasised the great benefit the country would derive if His Majesty gracefully accepted the role of a constitutional monarch in a parliamentary democracy."¹⁵ The NC's central committee meeting on April 25-27, 1990 endorsed this new demand that "We want make it clear that constitutional monarchy under parliamentary democracy is our declared policy."¹⁶ Though most of the communist parties propagated their ideological identity as republicans, the ULF's immediate objective was also to change the status of the King from that of an absolute monarch to a constitutional one. Its fourteen point programme prescribed that "A tradition requiring His Majesty to act on the advice of the Council of Ministers must be adopted immediately."¹⁷ The NC and the ULF wanted to see the formation of the constitution commission in accordance with the practices of

constitutional monarchy through the recommendation of the Council of Ministers.

Government: Ambivalence: Prime minister Bhattarai requested holding up of the announcement of the CRRC on May 11, 1990. Because "certain things have to be sorted out with His Majesty",¹⁸ he informed the press. The problem consisted of inadequate representation of the NC and the ULF, in the view of chairman of the CRRC Bishwa Nath Upadhyaya. Minister Keshar Jung Rayamajhi confirmed that the prime minister wanted to delay the announcement of the CRRC because he was under pressure from within and outside the cabinet to change some of the names on the list of members of the commission. The meeting of the NC general secretary, Girija Prasad Koirala, with the King on May 6 did not bring a solution. Then the prime minister evoked the communists. The ULF issued a statement on May 9, two days before the announcement of the CRRC, that, "the proposed constitution commission be formed soon with equal representation of the NC and the ULF, along with adequate representation of legal and constitutional experts recommended by both sides."¹⁹ But the prime minister's indirect persuasion was unable to bear any fruit.

Prime minister Bhattarai briefed the press that, "His Majesty categorically said that it was his job to nominate the members of the commission".²⁰ Beside the assertion of the King's prerogative, there was additional ground for justification. According to the chairman of CRRC, Bishwa Nath Upadhyaya, "consultations and general agreement had taken place in the formation of the commission."²¹ The prime minister therefore shamefacedly condoned the formation of the CRRC. Moreover, Chairman Upadhyaya said that the prime minister assured him that he would tackle the situation (i.e. the people and the parties's resentment against the CRRC) when he conveyed his intention to resign.

In a volte face, Prime minister Bhattarai bowed to popular feelings to discredit the CRRC. With his presence in the capacity of the president of the party, the May 12, 1990 emergency meeting of the NC demanded the reconstitution of the constitution commission in consultation with the interim government. Moreover, the prime minister publicly denied that he had been consulted before the announcement of the CRRC. The NC and the ULF capitalized this point. They denounced the commission with the logic that it had been formed contrary to the spirit of constitutional monarchy under the multiparty system; it was, therefore, "undemocratic and disgraceful." In support of the demand for dissolution of the commission, Bharat Mohan Adhikari and Daman Dhungana resigned from the commission. Nevertheless, the King appeared stubborn. He dissuaded Chairman Upadhyaya from

resigning, as said by Chairman Upadhyaya. But after a widespread display of resentment by the public and parties against the commission, Chairman Upadhyaya submitted his resignation on May 14. The King then had no option but to dissolve the commission and reconstitute a new commission.

Ministers Devendra Raj Pandey and Nilamber Acharya said that the palace had put pressure for the inclusion of greater number of former panchas in the proposed reconstituted constitution commission. This was further confirmed by the offer of a position in the commission to a former Panchayat stalwart, which was turned down.²² Against the pressure of the palace in camera to retain its greater say in the constitution-making process, the political parties radicalized their demands on the streets. The NC general secretary Girija Prasad Koirala demanded for an interim act as a pressure tactic. The ULF vocally carried this issue for quite long as a means to put lessen the palace's role in the constitution-making process. Besides, some dominant ULF partners, i.e., the M-L and the Fourth Convention, raised the idea of final approval of the draft constitution by the elected parliament.²³ After long weeks of pulls and pressures between the palace on the one side and the NC and the ULF on the other, a nine member Constitution Recommendation Commission (CRC) – in which the combined representatives of the NC and the ULF was twice that of the King's nominees – was constituted on May 31, 1990, by the King but in accordance with the recommendation of the Council of Ministers.

Drafting the Constitution

Though the King was forced to give up his prerogative to form the constitution commission according to his own discretion, the palace's interest to retaining the King's sovereign power in the proposed new constitution remained intact. Some traditional forces were therefore reactivated, with the military on the forefront to suggest the CRC, "the retention of King's sovereignty, army under the command of the King" and a "Hindu state."²⁴ The NC suggested the CRC to frame the constitution based on constitutional monarchy and parliamentary democracy. The dominant ULF partners (who had their representation in the CRC) emphasised the consideration of their two-layer objectives in their recommendations to the CRC. First, in regard to the position of the King, they pushed too far too fast. Second, they sought for a provision by which constitutional monarchy and parliamentary democracy could be altered through amendments in the constitution.²⁵

The drafting of the constitution was begun against the background of the open manifestation of conflicting goals among the forces involved in this task. Many factors influenced the work of constitution drafting, but only three major factors would be highlighted here. The first was the nature and

perceptions of the negotiators on all the three sides. Second was the decision by a majority on all contentious issues, adopted as a modality by the CRC, which led the points of common interests of either two groupings among the representatives of the King, the NC and the ULF to prevail on each issue. Third, an understanding made in the CRC that a decision taken on any issue was not subject to reappraisal or reopening allowed the CRC to resist pressure from the outside to change the provisions that had already cleared the table.

For the preparation of the draft constitution, negotiations among the representatives of the King, the NC and the ULF revolved around three major issue: (1) the position of the King – powerless or vested with some powers? (2) fundamentals of the constitution – irrevocable or amendable? (3) government – strong or limited?

Position of the King: Consolidation of constitutional monarchy and the multiparty system was the term of reference for the CRC. A thin voice to define constitutional monarchy as vested with power in the King arose from Panchayat nostalgia. Some of the King's nominees in the CRC said that the King had instructed them and the conservative elements had put pressure on them to seek for retention of the King's residuary, prerogative and sovereign powers in the draft constitution. But, sources close to Chairman Upadhyaya opined that he was not swayed by such pressure. Because of his position and also from the way he had been reselected in the reconstituted CRC, after the request not only from the King but also from the Congress and Communist leaders, he was morally bound to separate himself from a hard partisan line. His role as the chairman would have definitely influenced the King's nominees. One of them, Rama Nanda Prashad Singh, said that he had informed the King during his audience about his commitment to frame a democratic constitution. Another of the King's nominees, Pradyumna Lal Rajbhandari, was mostly absent because of his ill health. In the days he attended the CRC's meetings, a ULF member of the CRC, Nirmal Lama, observed, "he was in favour of drafting a democratic constitution."²⁶

The independent perception of the King's nominees – different from the interests of the palace – brought them closer to the NC on the question of the status of the monarchy. The NC tended to grant higher status and privileges to the royal family for the sake of consent of the King in his position as the head of the state. The representatives of the NC and the King therefore insisted upon the adoption of the "King in Parliament" as the principle of the constitution. The problem was the different approach taken by the ULF's representatives relating to the position of the monarchy. A ULF member of the CRC, Madhav Nepal, said that the ULF representatives proposed for (1)

the reduction of the size and privileges of the royal family (2) the exclusion of the King's name from the executive, legislative and judiciary, and (3) the provision to make the actions of the King and his family questionable in parliament. The ULF's suggestions for the reduction in the size of the royal family was reconciled, but the NC's representatives and the King's nominees opposed the ULF members for their other two points. In reaction, one ULF partner in the CRC, Nirmal Lama's Fourth Convention went to the extent of disclosing the secrecy of the CRC with a provocative statement that the "palace had hatched a conspiracy." Ultimately, the King and the NC representatives' joint persuasion for constitutional monarchy with higher status and privileges prevailed through majority voting.

Fundamentals of the Constitution: The early recommendations made by the NC and those left parties which had their representatives in the CRC were contradictory on this issue. The NC opted to make the basic features of the constitution irrevocable, while the left suggested the opposite. For the NC, the problem was the divided opinion among its representatives in the CRC on the issue of the fundamentals of the constitution, as observed by Chairman Upadhyaya and member Madhav Nepal. During the debates, some urged for the perpetuity of constitutional monarchy and parliamentary democracy. But a two-member team constituted by one NC representative, Mukunda Regmi, and the other ULF representative Madhav Nepal, recommended a provision by which even the fundamentals of the constitution could be changed. Mukunda Regmi (NC) admitted that it was his conscience, perhaps inculcated by his educational background and profession, which sought that the sovereignty of the people should not be limited, and which motivated him to go against the guideline of the party while opting for the provision of an amendment on the basic nature of the constitution. The divergence of opinion among the NC representatives on this issue reflected a lack of proper consultation among themselves. In fact, the arrogance of the NC representatives – all of them reputed and well-known senior advocates – made them oblivious to the need for homework and proper coordination. Chairman Upadhyaya gave a further insight that he had timely informed Prime minister Bhattarai about the problem among the NC representatives, and he went on to say that he had advised the prime minister to inform his party representatives on the guideline of the party. But the chairman said that he did not find any improvement in the presentations of the NC representatives in the CRC. Consequently, the position of the NC weakened in the negotiations over the drafting of the constitution.

The negotiators from the other side – the ULF representatives – spoke in one voice to make their points. The ULF prudently selected its representatives

in the CRC from the leadership level, because the party leaders were deeply committed and more assertive in their political principles and objectives than mere professionals. Moreover, even Chairman Upadhyaya admiringly accepted that the strength of the ULF representatives in the CRC lay in their proper homework and perfect coordination in the work of drafting the constitution, notwithstanding that they belonged to different political parties. They therefore succeeded on insisting the provision of amendment in the fundamentals of the constitution. The King's nominees shared a common perception with the ULF members on the question of the fundamentals of the constitution, but their motivations differed. The ULF representatives took it as a gain in their quest for their anti-monarch and anti-bourgeois identity, while Chairman Upadhyaya urged that "nothing was without alternative and immortal; everything was changeable." Ultimately the provision for amendment in the fundamentals of the constitution was duly passed unanimously.

Government: The issue of government was less debatable in the CRC, but it was more sensitive and controversial. The provision of 'Judicial Committee', 'Constitutional Committee', and 'Defence Council' had curtailed executive prerogative. Moreover, the constitutional monarch was vested with the preventive power that the King, according to his discretion, may refuse to abide by the recommendation of the Council of Ministers on the declaration of emergency and dissolution of parliament. The ULF representatives, who had attempted to push the monarchy too fast and too far, accepted and even advocated in vesting the King with preventive power.²⁷ Why was there such a paranoid attitude towards the executive branch of the government? Chairman Upadhyaya explained exactly how it was justified in *Analytical Note of Draft Constitution*: "It is necessary to have a check over the executive to prevent a dictatorial tendency from abusing emergency power."²⁸ The leftists saw differently. All the three left members of the CRC remarked that they were certain that the NC would form the government after the elections. This obsession also worked to generate another controversial provision. Chairman Upadhyaya said that initially there were fourteen items in the list which were later reduced to four (peace and friendship, strategic and security, boundary, and natural resources) that a treaty or agreement concluded with foreign countries must be passed by a two-thirds majority of parliament. In justification of this provision, all the three ULF members referred back to the 1950 treaty, Koshi and Gandaki hydal project agreements with India.²⁹ Even the chairman was of the opinion that this provision provided a guarantee against the repeat of secret agreements like the 1965 agreement with India. After a mild debate, the report jointly prepared by Daman

Dhungana (NC) and Nirmal Lama (ULF) containing the ratification by a two-thirds majority in parliament of treaties in the aforementioned four areas was passed unanimously. The ULF and the King's nominees in the CRC did not need to work hard to convince the NC representatives. By profession, all the three representatives of the NC were lawyers; and the lawyers and jurists are generally ardent advocates of limited government.

At the last moment, the CRC was forced into an impasse after inroads from outside. It obviously meant that the parties involved in the negotiation forced their representatives to review earlier agreements on some issues. In such a situation, the representatives usually lost their independence and they would change the line as instructed by their respective bosses.

A ULF member of the CRC, Madhav Nepal, said that the chairman changed his line after pressure from the palace. Chairman Upadhyaya conceded this in different language saying that he was obliged to draft the constitution so that it would be digestible to all the forces, including the King. He therefore urged (1) the de jure sovereignty of the King, (2) the vesting of power to the King in an extraordinary situation, and (3) increasing the size and privileges of the royal family. But the NC and the ULF representatives got united to isolate the proposal of the chairman. However, Chairman Upadhyaya said that the problem was resolved in the way that he got mandate for reconsideration on the question of the size and privileges of the royal family if the King insisted for it.

The NC sought changes on two points: the provision of amendment in the fundamentals of the constitution, and the provision of treaty ratification by a two-thirds majority in parliament. The King's nominees also changed their mind after they were informed that the palace was disappointed by the provision of an amendment on the fundamentals of the constitution. Consequently, against the earlier unanimous decision to make the basic features of the constitution amendable, the fundamentals of the constitution were framed as unamendable by a majority vote. But the ULF representatives refused to abide by the later decision, and they exerted counter pressure of abstaining from the CRC.

Hence, Chairman Upadhyaya said that the problem was thrown into the courts of the NC and the ULF to find out an acceptable solution. Before the NC and the ULF sat together for this purpose, a meeting of the central committee of the ULF was held. An eyewitness, Padma Ratna Tuladhar, said that the M-L and the Fourth Convention pleaded that, being communists, their ethic would not allow them to accept the proposal of perpetuating the monarchy and parliamentary democracy. The *Gorkhapatra* reported, "The representatives of the ULF maintained that they had no faith in multiparty democracy and constitutional monarchy but had joined the CRC as part of

their strategy.”³⁰ The possibility of deadlock or submission of more than one draft of the constitution appeared. But neither the NC nor the ULF was prepared to bear the cost of choosing either option. This factor brought both the NC and the ULF to settle the issue through a compromise. The early understanding made in the CRC – that the decision taken on any issue was not subject to being reopened – was ascribed to the ULF for its resistance against the pressure of the NC. Consequently the provision of treaty ratification by a two-thirds majority remained intact. The NC consented to the ULF’s stand to retain the provision of amending the basic nature of the constitution. The ULF also agreed to the NC’s proposal to make the procedure complex on the basis of a three quarters majority vote in the legislature and a national referendum. Chairman Upadhyaya as well as all members of the CRC were of the opinion that the CRC solved the problem in a compromise through a middle way, but also with ambiguity.³¹

Though the draft constitution was a product of compromise among the representatives of the King, the NC and the ULF, the popular spirit of change that had been manifest in the mass movement dictated even more. It transferred the sovereignty from the King to the people, and it guaranteed the fundamental and human rights of the citizen. The draft constitution granted a polity based on the democratic principles that the sovereign people choose their representatives, the party which enjoys majority in parliament forms the government and the executive is responsible to the legislature. It provided a bicameral legislature, representative government and independent judiciary. Several limitations were imposed on the government. The draft constitution put the popular sovereignty in absolute terms as much as the absolute rights – even right to suicide – because most of the provisions of the draft revolved around two fundamental principles: constitutional monarchy and parliamentary democracy. But at the same time, basic features of the constitution could be altered by amendments to the constitution.³²

Draft Constitution: Revision and Approval

A compromise had been made to enable the CRC to prepare a single draft, but it did not clinch the dispute among the King, the NC and the ULF on some crucial provisions of the draft constitution. It simply shifted the stage for renegotiation from the CRC to the cabinet. King Birendra openly exhorted for the revision of the draft constitution on the occasion of the CRC’s formal submission of the draft to him on September 10, 1990. Even before the draft was formally submitted, the NC leaders revitalized their quest for the change in two provisions – amendment of the basic features of the constitution and treaty ratification by two-thirds majority in parliament. The stubborn determination of the NC went to the extent that Ganesh Man Singh said,

"The NC troika leaders once thought of throwing out the left ministers from the cabinet."³³ But they soon dismissed this idea and followed the line of persuasion. Some ULF members, particularly the M-L and the Fourth Convention, demanded for the immediate promulgation of the draft constitution without any changes. They took to the streets to exert pressure. But later they reluctantly consented to revise the draft constitution. The M-L enlarged the volume of its discontent over provisions in the draft constitution from 6 to 29.³⁴ The ostensible strategy behind the bulk of their dissent was to ensure minimum change in the draft.

The change of stage and the actors on the constitution issue was favourable to the NC. In the CRC there was equal representation of the NC, the ULF and the King, but the cabinet was headed and dominated by the NC. Again, out of the three ULF representatives in the CRC two had belonged to the hard line factions, but in the cabinet with three left ministers, two ULF ministers were soft liners.

Furthermore, Prime minister Bhattarai adroitly made a favourable position when constituting the three-minister (Keshar Jung Rayamajhi, Yog Prasad Upadhyaya and Nilambar Acharya) cabinet sub-committee for the recommendation of the final draft constitution before the cabinet. The cabinet sub-committee was constituted by equal representatives of the King, the NC and the ULF, in the manner of the composition of the CRC. The difference was that each of the parties had selected their own representatives to the CRC, while the members of the cabinet sub-committee were chosen by Bhattarai, the prime minister and the president of the NC. The prime minister selected the most moderate left minister, Nilambar Acharya, as the representative of the ULF in the cabinet sub-committee. Both he and his party – the Manandhar group – took quite a soft line towards the NC.

While revising the draft constitution, the NC's prime target was the provision of amendment in the basic features of the constitution. The palace had also manifested its discontent over such a provision since the latter half of the drafting of the constitution by the CRC. There was therefore no problem from the King's nominee minister Keshar Jung Rayamajhi to revise the draft constitution in favour of making the fundamentals of the constitution unamendable. This line was also supported by the left minister Nilambar Acharya and his party. But some ULF members, particularly the M-L and the Fourth Convention, were against any change in the draft constitution. During the revision of the draft constitution, the position of the ULF was weakened by differences among its own members who held a position similar to that of the NC representatives during constitution drafting in the CRC. The NC was gaining strength from the warm embrace by some ULF partners of the NC's view³⁵ for the revision of the draft constitution to

make the fundamentals of the constitution irrevocable. The manifestation of a split among the ULF members³⁶ strengthened the NC's stand. Minister Acharya said that ultimately the M-L itself relented to make the fundamentals of the constitution irrevocable after Prime minister Bhattarai met and convinced its two leaders, minister Jhala Nath Khanal and CRC member Madhav Nepal. The cabinet unanimously revised the draft constitution so that the basic features of the constitution embodied in the preamble were made unamendable.

The NC wanted to change the provision of treaty ratification by a two-thirds majority in parliament. But the equation was against the NC on this issue. Both the cabinet sub-committee members, ministers Acharya and Rayamajhi said that they refused the proposal of the other member, minister Yog Prasad Upadhyaya (NC), for the provision of ratification of all kinds of treaties by simple majority of the Lower House. They went on to say that they had however relented to minister Upadhyaya's proposal on two areas – peace and friendship, and natural resources – if the nature of treaty would not have extensive, severe and enduring effect upon the country.

On the basis of the recommendations made by the cabinet sub-committee, the interim government reportedly made over 20 changes in the draft constitution prepared by the CRC.³⁷ The most important change were made in three provisions: the basic principles of the constitution embodied in the preamble were made unamendable; treaties or agreements of an ordinary nature relating to peace and friendship and natural resources were subject to ratification by a simple majority in the Lower House; and the Kingdom of Nepal was specifically identified as a 'Hindu state'.³⁸

The revision and approval of the draft constitution by the cabinet resolved the conflict between the NC and the ULF over the constitutional provisions. But did it consider the points of the King who had suggested the revision of the draft constitution incorporating the suggestions received from various conservative elements? The King's nominee minister Rayamajhi said and the left minister Acharya conceded that the cabinet had overlooked the volume of suggestions that prescribed the retention of many power of the King – emergency, prerogative, residuary and sovereign. A negotiation between the palace and the cabinet was therefore anticipated to give the finishing touches to the constitution.

Palace's Draft Constitution

On October 11, 1990, the cabinet submitted the constitution to the King for promulgation. But the King's intention to revise the constitution as per the suggestions of the conservative elements, which had been overlooked by the cabinet, was clearly manifest in the royal notification issued on the same day:

"His Majesty would now study the draft in order to determine ... in what manner it had considered suggestions put before the cabinet for finalization."³⁹

Previously, the King's postponement of the submission of the draft constitution four times from August 31 to September 10, 1990, revealed his antipathy towards it. An intensification of erosion in the unity between the NC and the ULF⁴⁰ concurrently appeared, fortifying the palace's attempt to consolidate its position. The King pushed for the revision of the draft constitution accordingly before its formal submission. But he was convinced by the logic of the chairman of the CRC that, "any amendment or revision in the draft should be made at the political level itself."⁴¹ On the occasion of the CRC's submission of the draft constitution to the King on September 10, 1990, the King handed it over to the prime minister with the instruction that, "As demanded by constitutional organs, and political parties not represented in the commission, the prime minister should ... consider the suggestions put forth by them."⁴² This was a clear direction of the King to revise the constitution in a different direction from that of the draft prepared by the CRC.

Ministers Keshar Jung Rayamajhi and Nilamber Acharya said that the cabinet received suggestions from the conservative elements – the army, the police, the heads of constitutional bodies, most of the new mushroom political parties, including both the National Democratic Parties (NDP) formed by former Panchayat stalwarts. Both ministers said that the main content of the suggestions was to perpetuate the institution of monarchy, to retain the King's sovereignty, and to keep the King as the ultimate source of power. Minister Rayamajhi, who himself admitted that he had worked in consultation with the palace secretary, Rebati Raman Khanal, said that he fought in cabinet meetings to make the King the symbol of unity, independence as well as sovereignty of the country, and also to vest all residuary, emergency and prerogative powers in the King. But he said, and minister Acharya conceded, that the cabinet overlooked the suggestions of the conservative elements and also ignored the view of the King's nominee, minister Rayamajhi. But the palace did not capitulate. Rather, its activities went into high gear. On October 22, 1990, the *Gorkhapatra* reported that a copy of the constitution drafted by the palace had been submitted to the prime minister for consideration.

Against the constitution drafted by the CRC and approved by the cabinet, which clearly mentioned 'sovereignty vested with Nepali people', the palace draft constitution stated, "sovereignty vested in the Nepali people, including His Majesty." Though the phrase used relating to sovereignty was ambiguous, the following clause in the palace draft made the King

sovereign. In the exercise of executive power, the constitution drafted by the CRC, ensured that the King would act according to the advice of the cabinet, using the binding phrase, "by and with the recommendation and consent of the Council of Ministers." But the palace draft put this in a different way—"with the assistance and consultation of the Council of Ministers". It meant that the King would not be bound to act only in accordance with the advice of the cabinet. Indeed, according to the palace draft, all executive, legislative and judiciary power would also emanate from the King and the residuary power would also be vested in him.⁴³ The sole objective of the palace draft constitution was to make monarchy superior to democracy.

The King simultaneously applied multiple strategies. The palace draft was moved from the highest level – the King himself. Aware of the fact that the popular forces were afraid of the loyalty of the army to the institution of monarchy, the military was mobilized again. Ganesh Man Singh and Prime minister Bhattarai both said that the chief of the army and several generals met each of them separately and suggested them to retain intact the power and position of the King. Hoping to capitalize on the strong concern of the NC to hold the elections on schedule, Ganesh Man Singh said that the chief election commissioner had informed him at that moment that the election might be postponed for one year if the constitution could not be promulgated in time. Intending to nullify the work of the CRC and the government with the charge that they worked on negative premises⁴⁴ both NDPs demanded immediate promulgation of the constitution after the release of the palace draft. Moreover, in order to give impetus to his move, King Birendra used the name of Prime minister Bhattarai. The cover of the palace draft as reported mentioned that it had been prepared in consultation with the prime minister. "It has been circulated after continuous discussion and consultation" with the prime minister⁴⁵ was the press statement issued by the palace in its defense after the prime minister absolved himself from this incrimination.

PM's Negotiation Style

A person, who had formerly been involved in constitution making, said that in response to his query to the prime minister whether the palace draft was made in consultation with him, the prime minister explained, "I am not a legal expert. King Birendra read this draft in my presence. I made no objection. It is up to you to say whether I consented or not." But in the next morning the prime minister denied his involvement in the palace draft before all the three ULF representatives of the CRC. He, indeed, assured, "I would not give up my stand; I prefer to resign otherwise", as conveyed by Madhav Nepal. More interestingly, in response to the ULF leaders' request to publish

the palace draft constitution, the prime minister said, "That is why I give it you."⁴⁶

The ambiguity of Prime minister Bhattarai in showing two contrasting approaches revealed how he tackled the situation. Minister Nilamber Acharya observed that Prime minister Kinsunji, by his nature and character, avoided direct confrontation with the King. The avoidance of confrontation and his style of persuasion seemed idiosyncratic. He did not insist on his point, and even he would not directly reject the view of an opponent, but he plotted in such a way that his opponent was forced to change his mind and hence lose his stand. In his own words, the prime minister said, "The King thought that he could pressurize me, but I did not give in. I referred to my cabinet and the communists, saying that it was not for me to decide."⁴⁷

Besides, there were some more things that he concealed. Minister Devendra Raj Pandey and Chairman Bishwa Nath Upadhyaya gave an insight that the prime minister, in the meantime, emphasised making the precedent of popular supremacy through political process – election – rather than confronting the King on constitutional issues. This epitomized a capitulative tendency of the prime minister in which he had always opted for shrinking away from confrontation.⁴⁸

Yet, Prime minister Bhattarai was amendable. He later realized his mistakes and corrected his stand accordingly. Ministers Nilamber Acharya and Devendra Raj Pandey observed that the prime minister put the points he had concurred with the King in the cabinet meeting to ask the opinions of his colleagues. But it was the advantage of the coalition government that the cabinet suggested the prime minister to correct and review his line, and the prime minister honestly followed the suggestion. Besides, there were the ULF, the NC, the CRC, and above all, the alert people that backed up the prime minister to renegotiate with confidence. The concern showed by the Nepal Aid group against the palace draft which the prime minister had supposedly put before the King gave additional strength to the prime minister.⁴⁹ Mukunda Regmi told an interesting story of how Ganesh Man Singh had remarked the prime minister's way of dealing on the constitution issue: "If somebody gives a death warrant to Kinsunji, Kinsunji will say 'okay' but he will buy time saying that he has to polish his shoes and iron his dress. At that moment, if someone advises him against the death warrant, Kinsunji has the skill to change his line in a way acceptable to the man who had brought the death warrant."

The NC and the ULF leaders denounced the palace draft constitution. The left took to the streets, but the prime minister prevented the NC from following this path in order to keep room for negotiation with the King open. The King also dreaded to think of prolonging an amorphous situation

because the popular indignation against the palace draft had spread speedily. The palace abandoned its hope of retaining more power which had arisen with the conflict between the NC and the ULF but died when they patched up later. Its initial hope of manipulating the prime minister was also relinquished. But King Birendra seemed embarrassed by the volatile and unpredictable dealing of the prime minister. In the eye of the King, the prime minister was unreliable. To give a finishing touch to the constitution, the King therefore met the NC's troika on October 24. Ganesh Man Singh said that the meeting concluded with an agreement on major issues, and that some peripheral issues were under consideration.⁵⁰ Prime minister Bhattarai said that he had the mandate of the cabinet to consider some grievances of the King, keeping intact the major provision of the constitution as approved by the cabinet.⁵¹

The cabinet refinalized the constitution, incorporating some of the palace's points. Accordingly, the King was vested with some powers that he could exercise on his own discretion, especially regarding the business of the royal family and the succession to the throne. The King's insistence on his role regarding the army was also reconciled. The institution of the monarchy and some of its symbols were put in perpetuity.

The cycle of negotiations on the constitution was completed in four rounds: drafting by the CRC, approval by the cabinet, revision by the palace with a different draft constitution, and refinalization of the draft by the cabinet. Most of the provisions as drafted by the CRC were retained, but some substantial changes were made during the course of the negotiations and renegotiations (see Appendix 2).

Future Projection

On November 9, 1990, different from general expectation that the King would promulgate the constitution by reading its preamble, King Birendra appeared in Nepal Television (live broadcast) with a strained face and read a piece of paper prepared by the palace. His displeasure over the inauguration of the new democratic constitution epitomized the fact that the institution of monarchy in Nepal had never reconciled itself with democracy on its own conviction. Let alone late king Mahendra, who had dismantled parliamentary democracy in 1960. Even late King Tribhuvan, who was decorated as the 'father of the nation' because of his contribution to the anti-Rana revolution in 1950, laid the foundation of royal absolutism⁵² through an amendment to the 'Interim Act 1951' in 1954. After the restoration of democracy through the mass movement in 1990, King Birendra had openly made every possible effort to retain his position as the benevolent monarch and not a constitutional figurehead. Perhaps this is the reason, why the fear of the palace persists in the psyche of the Nepalese people. However, two factors

limited the King from going against the constitution. First, different from the 1959 constitution, which vested the King with ultimate power, including the disposing off with the constitution itself, the present constitution makes it impossible to amend any provision that contravenes the spirit of its preamble. Second, the humiliating defeat of the old forces in the 1991 elections and the emergence of two major movement forces – the NC as the ruling party and the United Marxist – Leninists (UML)⁵³ as the major opposition party – has further limited the King from regaining power on his own initiative.

Some ULF members, particularly the M-L, led the quest for making monarchy and parliamentary democracy alterable during the constitution making. But it changed its line later. The first central committee meeting held by the M-L after the enactment of the new constitution endorsed the multiparty system in its goal of New People's Democracy.⁵⁴ Its slow and steady moderation towards liberalization culminated in the Fifth Convention of the UML, held in January 1993, when it passed the line of *Janatako Bahudaliya Janbad* (Pluralistic People's Democracy) by overwhelming majority. Notwithstanding this, the UML still carries some semantic ethos of communism – class struggle, leadership of the proletariat, etc. But the components of liberalism in its programme of Pluralistic People's Democracy is reflected in its commitment to the guarantee of human and fundamental rights of the citizen, peaceful competition among political parties, periodic elections, rule of the majority, and the rule of law.⁵⁵ Now the UML appears as a contestant of power politics rather than a force committed to alter the present political system.

As stated above, the constitutional provision for the perpetuation of its basic character and the ideological modification of the major opposition party, the UML, in conformity to the basic principles of the constitution are two factors that ensure the stability and sustainability of the constitution. But there are many problems for the smooth functioning of the constitution. The modification in the ideology of the UML has often come into conflict with the actions and behaviour of its leaders and workers. Besides, in the implementation of the constitution, only an effective government can protect and promote the spirit of the constitution. Otherwise, there is possibility of manipulation of the constitutional provisions by the political forces exploiting weak government.

While disregarding the doctrine of 'strong government', the constitution makers worked on the premise that a sort of reconciliation between the Congress and communists is imperative for the stability and survival of democracy in Nepal. The proposition of 'limited government' can work well in a state or condition where the relations between the government and the

opposition are dominated by a friendly competitive system. But an inimical competitive system has prevailed in the NC-UML relations in Nepal. The Tanakpur issue – a treaty made between Nepal and India during Prime minister Girija Prasad Koirala's visit to India in December 1991 – is a testimony to this. In handling the Tanakpur crisis, the NC government went to the extent of airing the idea of a mid-term poll if the Tanakpur issue was not passed by the parliament. This was a manifestation of scepticism regarding the UML, which capitalized the issue for its political benefit. The possible alliance between the palace and the major opposition party, supposedly in a case like the Tanakpur issue, may put the government in virtually a defunct position. Because the constitution has placed the government in such a position that it needs cooperation of the major opposition party to take major decisions as well as the help of the King to manage any major crisis through extraordinary measure. Be it the present Congress government or the government of any party in the future, the constraint over the executive will be conceived as an obstacle for the emergence of an effective government hobbled by impact of inimical ruling-opposition relations as at the present.

The history of Nepalese politics stands witness that the palace regains power exploiting the extreme confrontation among popular forces. This has passed into the psyche of Nepali elites. Both the NC and the UML leaders have perceived the King as still powerful, and both want to use him against the other. An example was the prime minister's recent statement that he would request the King's help to call for a mid-term poll to defuse the Tanakpur crisis. In counter, the leader of the major opposition party also followed the same path, saying that he would request the King to reject the prime minister's plan. The palace has always capitalized such crisis. For instance, at the time the UML demanded the resignation of Prime minister Koirala as a move to start talks with the Congress party on the Tanakpur problem, King Birendra quiteley formed the *Raj Parisad*, nominating many former panchas including Marich Man Singh Shrestha, the ex-prime minister who had led the suppressive line during mass movement of 1990. Is it under the discretion of the King to nominate members to the *Raj Parisad*? Article 35 (2) of the constitution states, "except those which are specifically mentioned as to be exercised exclusively by him or at his discretion or on the recommendation of any institution or official, the powers of His Majesty shall be exercised by and with the advice and consent of Council of Ministers." There are only two clauses – Article 28 (2) (succession to the throne) and Article 121 (employees of royal palace) – that specifically fall under the King's discretionary power. Viewed from this provision, the *Raj Parisad* was constituted through the manipulation of the non-mention of the

'advice and consent of Council of Ministers' in the provision covering the nomination of its members. There are many other provisions, including the declaration of emergency, where the need of advice and consent of the Council of Ministers are not specifically mentioned, but are covered by Article 35 (2) of the constitution. Besides, there is also no mention of 'recommendation' of any person or institution in the appointment of envoys and ambassadors, whereas it is clearly mentioned regarding all other appointments. Concurrent to infighting among heavyweights of the NC in distribution of rewards to their own favoured persons, many people who had served as obedient boys of the royal palace in the Panchayati days appointed as ambassadors. This tendency has gradually spread in appointments to other sensitive posts irrespective of the mention of the provision of specific recommendations either by the prime minister or the Constitutional Council or the Defense Council or the Judicial Council.

Whither is the 1990 constitution heading? The possibility of moving the constitution along the right path seems bleak unless the political leaders of both the ruling and the opposition parties, radically change their respective perceptions, roles and relationships.

Notes

1. The ULF consisted of seven left parties: Marxist – Leninist (M-L), Marxist, Fourth Convention, Rohit, Verma, Manandhar and Amatya.
2. The democracy movement ran up towards a revolutionary resolution, with republican slogans at the last moment. Let alone students and professionals who openly involved themselves from the days the movement started, the government corporation employees and civil servants and people in general took to streets from the beginning of April. In Patan and Kirtipur, adjoining the capital, the people from each household, including housewives and children, took to regular marching on streets brandishing various kitchen utensils and agricultural tools. On April 6, lakhs and lakhs of people spontaneously demonstrated in Kathmandu and other parts of the country.
3. The Nepal Communist Party (Manandhar) leader Bishnu Bahadur Manandhar said that the ULF meeting on April 8 gave a mandate to its representatives to make compromise with the King at least on the point of announcement of the multiparty system; the leader accredited for this job was instructed to make efforts for maximum gain if possible. The Fourth Convention leader, Lila Mani Pokherel viewed radically that the ULF meeting on April 8 framed the following points for agreement: (a) to lift ban on political parties, (b) to dissolve Panchayat Policy and Evaluation Committee, Class Organizations and all tiers of Panchayat

units, at least the Rastriya Panchayat, (c) to replace the Chand cabinet with an all party interim government. See interviews with Bishnu Bahadur Manandhar and Lila Mani Pokherel, *Mulyankan*, March-April, 1992, pp. 29, 37.

4. Participants in the April 8 negotiation were King Birendra, Prime minister Lokendra Bahadur Chand, ministers Pashupati S. Rana, Achyut Raj Regmi and Nayan Bahadur Swanr from the establishment side and Krishna Prasad Bhattarai and Girija Prasad Koirala (the NC president and general secretary respectively) and Sahana Pradhan and Radha Krishna Mainali (the chairman and a member of the central committee of the ULF respectively) from the movement side.
5. Negotiations held on April 15 between the Panchayat camp – represented by Prime minister Chand, ministers Rana and Regmi, panchas Padma Sundar Lawati and Keshar Bahadur Bista – and the movement side – represented by Yog Prasad Upadhyaya and Daman Dhungana (NC), and Nilambar Acharya and Krishna Raj Verma (ULF).
6. *Rising Nepal*, April 11, 1990.
7. *Ibid.*
8. BBC, Hindi Programme, in the evening of April 14, 1990.
9. *Naya Nepal*, April 12, 1990.
10. "Interview with Lila Mani Pokharel", *Mulyankan Op. Cit.* 3, p. 37.
11. *Nepali Awaj*, June 15, 1990.
12. The eight-point demand consisted of the following: (1) dissolution of the Chand government and the Rastriya Panchayat, (2) annulment of the articles and the clauses of the constitution which ran counter to the present changing context of the multiparty system, (3) dissolution of Panchayat units from the district to village levels, (4) nationalization of the property of Panchayat units and class organizations, (5) release of all political prisoners, (6) granting honour and financial assistance to martyred families, (7) formation of a CRC having proper representatives of the NC and the ULF, and (8) impartial investigations of recent violence in the mass movement and punishment of guilty persons.
13. Ganesh Man Singh said he refused to participate in the April 8 negotiations for two reasons. First, he was abiding by his stand for 'no meeting' with the King before the announcement of the multiparty system. Second, he wanted to preserve himself as the last foil if the negotiations could not bring the desired results.
14. The soft tuning remark of Ganesh Man Singh towards the panchas after his meeting with the King on April 13, as broadcast by Nepal Television, did not coincide with the revolutionary mood of the people. This was manifest on April 14 gathering of a crowd – mostly

professionals and party workers who were just released from prison – in Ganesh Man Singh's residence where the meeting between the NC and the ULF leaders was being held inside to frame the strategies for negotiations to the next day. At that meeting, Devendra Raj Pandey said that he pleaded for perceiving the situation as poise for power transformation rather than power sharing. In sum, both the NC and the ULF leaders were pressed to present the eight-point demand as unnegotiable. As a result, the meeting decided for non-participation by seniormost leaders in the negotiations of April 15.

15. *Text of the press note of the NC*, April 17, 1990.
16. *Text of Political Resolution Passed by the NC's Central Committee Meeting*, April 25-27, 1990.
17. *Daily Dairy*, May 9, 1990.
18. *Gorkhapatra*, May 5, 1990.
19. *Gorkhapatra*, May 10, 1990.
20. *Rising Nepal*, May 12, 1990.
21. *Rising Nepal*, May 13, 1990.
22. Pashupati S. Rana was of the view that the panchas should not be involved in constitution making for two reasons. First, the panchas as the defeated force could not dictate the nature and content of the constitution. Second, they solely would be blamed for any defect in the constitution.
23. *Statement of Madan Bhandari, Spokesman of the ML*. June 1, 1990; *Press Note of the Fourth Convention*, June 9, 1990.
24. See Interviews with all members of the CRC, *Kanun*, June 1991, pp. 317-358.
25. See *Text of Recommendations of the ML and the Marxist to the CRC* (June 1990). The Fourth Convention showed its antipathy to monarchy and democracy by refusing to make suggestions to the CRC.
26. "Interview With Nirmal Lama", *Kanun*, Op. Cit. 24, p. 343.
27. *Nepal Ko Prajatantrik Sambidhan 2047* (Democratic Constitution of Nepal 1990) separately prepared by the ULF representatives of the CRC because of the possibility that the CRC might have been unable to make a single draft because of the conflicting stands taken by the representatives of the King, the NC and the ULF on some of the substantial issues. This left-made separate draft vested the King with preventive powers. pp. 25, 64.
28. *Analytical Note of Draft Constitution*, 1990, p. 75; *Kanun Op. Cit.* 24, p. 315.
29. See Interviews with Madhav Nepal, Nirmal Lama, Bharat Mohan Adhikari, *Kanun*, Op. Cit. 24, pp. 340-358.

30. *Gorkhapatra*, September 1, 1990.
31. One of the senior persons of the CRC said that the conflict regarding the preparation of a single draft constitution was managed applying the theory of ambiguity. The theory of ambiguity meant, he said, "Any law or constitution should not make it clear if its articles and provisions invite difficulties putting them in unambiguity. It should, therefore, be put ambiguously, because the future course of political development would interpret them according to the situation." Here are some of ambiguous clauses on major issues of draft constitution. (1) In *Analytical Note of the Draft Constitution*, the objective was stated as to consolidate constitutional monarchy and multiparty democracy. But the text of the draft constitution provided room to alter constitutional monarchy and multiparty democracy. Both the text and Analytical Note did not define the basic features of the constitution. (2) The draft constitution mentioned the King as constitutional monarch, but the constitutional monarch here did not meant 'rubber stamp' because it enjoyed preventive power to refuse the recommendation of the government on the subject of dissolving the parliament, and declaring emergency. (3) It put the identity of the country in these words: "Hindu Constitutional Monarchical Kingdom." It neither made Nepal a Hindu nor a secular state. (4) It provided a Defence Council consisting of five members having a majority of popular representatives. But the King was vested with the right to mobilize the army.
32. See *Text of the Draft of the Constitution* (September 1990), Prepared by the CRC.
33. The idea of throwing out the left ministers spilled over into the NC's leaders' statement denouncing the communist stand. Insisting on the NC's determination to change the draft constitution making fundamentals of the constitution unamendable, the party general secretary Girija Prasad Koirala said, "If the ULF does not accept this stand, it must quit the Council of Ministers and take to the street." (*Samaj*, October 2, 1990). Ganesh Man Singh also spoke in same spirit, "If they (ULF's leaders) wish to do so, we have our own path, and they too should chose their own path"" (*Samaj*, October 5, 1990).
34. The ULF representatives in the CRC registered notes of dissent on six broader issues. That was broken down into 29 to make them colossal by the M-L. The content of both the 6 points and the 29 points of dissent cover mainly three areas – (1) reducing the size and privileges of the royal family, (2) excluding the name and sign of the King from all the active state institutions including the army, (3) making the institution of

the monarchy and its symbols changeable through constitutional means. See, *Daily Dairy*, October 8, 1990.

35. Two member groups of the ULF, Manandhar and Verma, did not recommend for a provision to change the basic nature of the constitution to the CRC. Besides, Padma Ratna Tuladhar informed that in the ULF meeting on this issue, only two out of seven, the M-L and the Fourth Convention, insisted on a provision that the fundamentals of the constitution should be subject to change by amendment. Krishan Raj Verma (Verma group) and Man Mohan Adhikari (Marxist) came out openly to denounce the demand for the promulgation of the draft constitution without change. Verma advocated in favour of making the basic principles of the constitution inviolate (*Gorkhapatra*, September 6, 1990), and Adhikari said he had no objection to revising the draft this way. He highlighted the need to revise the draft so that treaties could be ratified by just a simple majority in the parliament (*Rising Nepal*, October 11, 1990).
36. The split among the ULF members was seen from the very beginning on diverse points. The first was perspective that three of the ULF partners – Verma, Manandhar and Amatya groups – shared a perception more in common to that of the NC than the radical wings of the ULF. In contrast to the M-L and the Fourth Convention's insistence on bringing an end to the Panchayat system as agenda of dialogue on April 8, they suggested to go for talks on the point of achieving the multiparty system. These three groups, including the Marxist, acclaimed the announcement of the removal of the ban on political parties as a historic achievement. The rest of the ULF members perceived it as a lesser achievement. Nilamber Acharya disclosed that even the proposal of demanding an interim act was not at first endorsed in the ULF meeting. He viewed that the M-L and the Fourth Convention had subsequently manipulated the passage of the agenda of the interim act at the moment when most of the senior leaders of his party and some other parties were outside the capital. Unlike the M-L, the Marxist and the Tulsilal groups, the Verma and Manandhar groups did not recommend the CRC to make the fundamentals of the constitution amendable. The Fourth Convention and the Rohit groups demonstrated their disbelief in monarchy and democracy by refusing to give any suggestions to the CRC. In a great debate over whether constitutional monarchy and parliamentary democracy be made perpetuate or changeable, the communist parties were polarized. The moderate left took side with the NC's stand on making the constitutional monarchy and parliamentary democracy unalterable. The hardliner Maoists, allied with the United National People's Movement (UNPM), backed the M-L in its

quest for a provision in the constitution by which monarchy and parliamentary democracy could be changed. The second factor behind the split among the ULF partners was realignment. The Fourth Convention was working to return to the hardliner Maoist camp through the Unity Coordination Committee formed in June, 1990, by some of the UNPM members. The Verma, the Manandhar and the Amatya groups had also worked out for their unification, possibly with the Marxist and the Rohit groups also. The third and the most important reason behind disintegration in the ULF was power sharing. The ULF was allocated three seats in both the interim government and the CRC, but all the seven members aspired for a chance in both or at least in one. The ULF changed its modus operandi – the decision through unanimity in favour of election for selecting its representatives in the interim government and the CRC. The Marxist and the M-L secured marks in both the interim government and the CRC; the Fourth Convention for the CRC and the Manandhar group in the interim government. The Verma, the Rohit and the Amatya groups were overlooked.

37. *Nepal Press Digest*, 34: 42, October 15, 1990.

38. *See text of the Constitution, Revised and Approved by the Cabinet* (October 1990).

39. *Rising Nepal*, October 12, 1990.

40. The NC – ULF alliance had begun to erode with the revival of mutual suspicion between the NC and the radical wings of the ULF. The left regarded the NC with suspicion from the day the NC unilaterally decided to talk with the King on April 8, oblivious to the need of preconsultation with its movement partner, the ULF. The ULF suspicion of the NC was aggravated by a conflict over the nature of transformation. The ULF opted for radical transformation of power from the King to the people through the enactment of an interim act. The NC opposed the demand for an interim act as it found the King responsive to its reconciliation overtures. The left interpreted the revival of the NC's reconciliation policy with the King as a nexus directed against the communists. The NC also did not treat the left as a viable long-term ally. It also suspected the ambiguity of the communists' position. Were they propagating for their declared objective of *naulo janbad* or working to strengthen liberal democracy? The NC-ULF conflict deepened over the issue of the constitution. The former was determined to make constitutional monarchy and parliamentary democracy unchangeable; the radical left presented its own counter proposal; nonetheless all subsequently relented to the NC's stand. However, the possibility of regaining of strength by the traditional forces, and its repercussions to

the constitution, on the bedrock of total disruption in the NC-ULF alliance, forced both the NC and ULF to maintain a sort of unity throughout the constitution-making period.

41. *Gorkhapatra*, September 7, 1990.
42. *Rising Nepal*, September 11, 1990.
43. *Text of the Palace Draft Constitution* (October, 1990)
44. Concurrent to the release of the palace draft constitution, the president of the NDP (Thapa group), Surya Bahadur Thapa, issued a statement on October 21, 1990: "The constitutional provisions being made on the basis of negative belief would promote a lack of confidence in the relations between the institutions of the crown, the executive, the legislature and the judiciary" (*Rising Nepal*, October 22, 1990). By a statement, "the central office of the NDP (Chand) wondered how the undemocratic step taken in the process of framing a democratic constitution could help to consolidate democracy." It indeed harked back, "The agreement signed on April 8 between the forces of the movement and the palace must be presented before the people. According to our information removal of the term "partyless" from the constitution and lifting of the ban on political parties were the main terms of the agreement" (*Gorkhapatra*, October 18, 1990).
45. *Gorkhapatra*, October 23, 1990.
46. *Kanun*, *Op. Cit.* 24, p. 344.
47. William Raeper and Marten Hoftun, *Spring Awakening*, 1992, Viking, Penguin Publication, New Delhi, p. 197.
48. Krishna Prasad Bhattarai constantly displayed his non-confrontationist nature from very beginning. Anxious over the possibility of sabotage in the dialogue with the King to fulfill the demand for the multiparty system, he advised the communist leaders to hold back the new demand of dissolving Rastriya Panchayat. He condoned the announcement of the CRRC on May 11, notwithstanding that he himself had accepted that the process was wrong. When the draft constitution framed by the CRC was in the court of the cabinet for revision, he shrank away arguing, "If we add or omit one thing, the left would seek ten times, the King may add double that of the left. So whatever we have to do, it should be done in the parliament after the election." (*Bimarsa Weekly*, September 21, 1990). His thinking to make a precedent of popular supremacy after the elections through jumping away from confrontation with the King over the constitution was the culminating point. However, he corrected himself in all phases throughout the transition period.
49. Finance Minister Devendra Raj Pandey said how international support was mobilized against the palace draft constitution. He said that he had

received a fax in Paris, where he was on a visit to attend the meeting of Nepal Aid Group, of the *Gorkhapatra's* reporting of the palace draft. He circulated the fax with a remark that the palace was trying to sabotage the making of a democratic constitution. Each donor country of the Nepal Aid Group showed its concern against the palace draft constitution. He sent all the concerned statements to the prime minister through fax. He later found that Prime minister Bhattarai had shown the fax to the King.

50. *Gorkhapatra*, October 30, 1990.
51. *Rising Nepal*, October 23, 1990.
52. Anirudha Gupta, *Politics in Nepal*, 1964, Allied Publishers Pvt. Ltd, India, p. 85.
53. The UML was formed in January, 1991, after the unification of the M-L and the Marxist party.
54. *Bartaman Parishthiti Ra Partiko Daitwa* (Present Situation and the Party's Responsibility), November 1990, Central Office of the M-L.
55. See, *Nepali Kranti Ko Karyakram: Janatako Bahudaliya Janbad* (Programme for Revolution in Nepal: Pluralistic People's Democracy); *Political Resolution*, Passed by the Fifth Convention of the UML, January 1993, Central Office of the UML.

Appendix 1**Interviews with the Actors of Constitution Making**

Name	Involvement	Date
Ganesh Man Singh	Commander of the mass movement and supreme leader of the NC	December 11, 1992
Sahana Pradhan	Chairman of the ULF; interim government minister	November 20, 1992
Bishwa Nath Upadhyaya	Chairman of the CRC	November 29, 1992
Pashupati S. Rana	Minister in the Chand cabinet; participant in the April 8 and April 15 negotiations	December 8, 1992
Devendra Raj Pandey	Human Right activist; interim government minister	November 15, 1992
Padma Ratna Tuladhar	Central member of the ULF	November 2, 1992
Madhav Nepal	ULF representative to CRC	November 16, 1992
Mukunda Regmi	NC representative to CRC	November 17, 1992
Ramananda P. Singh	King's representative to CRC	December 10, 1992
Nilambar Acharya	Participant in the April 15 negotiation; interim government minister (ULF)	October 10, 1992
Keshar J. Rayamajhi	Interim government minister (King's nominee)	November 17, 1992

Appendix 2

**Contentious Issues in Negotiations:
Sustained and Change**

	A	B	C	D
Issues	Draft of CRC	Approved by cabinet	Palace draft	Final
Above the Preamble	—	—	<i>Swasti Shree.... (King as incarnation of God)</i>	same as 'C'
National anthem	valid till the law does not change	same as 'A'	cannot be changed	same as 'C'
Nepal	Hindu constitutional monarchical kingdom	Hindu, consitutional monarchical kingdom	same as 'B'	same as 'B' and 'C'
Constitution promulgated by His Majesty	on the advice and with the approval of Council of Ministers	same as 'A'	in accordance with the constitutional laws, customs, usages and traditions of Nepal	same as 'A' & 'B'
Sovereignty vested in	Nepali people	same as 'A'	Nepali people, including His Majesty	same as 'A' & 'B'
His Majesty: symbol of	Nepalese nation and unity of the people	same as 'A'	Nepalese sovereignty, national integration and unity	same as 'A' & 'B'

His Majesty	—	—	has right to consult, encourage and warn the Council of Ministers	may offer suggestions, encouragement and alert the Council of Ministers
Executive power be	vested in His Majesty and Council of Ministers that shall be exercised by and with the advice and consent of Council of Ministers	same as 'A'	emanated from His Majesty that shall be exercised by and with advice and assistance of Council of Ministers	same as 'A' and 'B'
Legislature	constitutes His Majesty and by-cameral houses	same as 'A'	be emanated from His Majesty	same as 'A' & 'B'
Judicial	be exercised in accordance with the provision of this constitution	same as 'A'	be emanated from His Majesty that should be exercised according to constitution	same as 'A' & 'B'
Residery power	—	—	vested on King	—
Emergency be exercised	by the king on the recommendation of the Council of Ministers	by His Majesty (on the advice and consent of Council of Ministers)	by His Majesty	same as 'B'

Army operation	on the recommendation of DC	same as 'A'	on the consultation of DC	same as 'A' & 'B'
Appoinment of army chief	—	by the King with the recommendati on of PM	by the King with the consultation of DC	same as 'B'
CC, consist by	PM, CJ, Chairman of UH, Speaker, Opposition Leader	same as 'A'	PM; CJ, Chairman of SCRP	same as 'A' & 'B'
Fundamentals of the constitution	can be changed through amendment	unamendable	same as 'B'	same as 'B' & 'C'
Treaty ratification (on peace and friendship, boundary, security and natural resources)	by two thirds majority of joint session of both Houses	same as 'A', but also by simple majority of Lower House on peace and friendship and natural resources if no grave consequences	same as 'B'	same as 'B' & 'C'
Coucil of Ministers in transition	should be taken as constituted persuant to this constitution	same as 'A'	King may sustain or change	same as 'A' & 'B'
DC	— Defence Council			
CC	— Constitutional Council			
CJ	— Chief Justice			
SCRP.	— Standing Committee of Raj Parishad			
UH	— Upper House (National Council)			

BOOK REVIEW

Nepal-India: Democracy in the Making of Mutual Trust. 1993. Dinesh Bhattarai and Pradip Khatiwada. Nirala Publications Jaipur. Pages 320: IC Rs 295.

The stalemate in relations between Nepal and India that began on March 23, 1989 and lasted for fifteen months started with the termination of the Trade and Transit treaties that existed between the two countries. This crucial period is regarded to be 'the lowest ebb' in relations between Nepal and India – a time when a tiny, India-locked Himalayan Kingdom stood up to its mighty and formidable neighbour to the south. One opinion is that the crisis was brought about by a group of power-hungry ruling Panchayati elites for sustaining and promoting their vital interests at the cost of the suffering of the common people who during the period underwent untold misery brought about by an acute economic crisis. The other opinion is that the fifteen-month stalemate in Nepal-India relations is a glorious chapter in the Nepalese political history when Nepalese nationalism exerted itself and resisted the arm twisting tactics of giant India especially when dealing with its small landlocked neighbour to the north.

Whatever be the interpretation, only history will judge the developments of the crucial fifteen-month period that was catalytic in overthrowing the thirty year old dictatorial panchayat polity and reinstating in its place a multi-party form of government.

The book under review authored by two career diplomats, Dinesh Bhattarai and Pradip Khatiwada, based on the former assumption that "the age old neighbourly relations were disturbed by a swarm of parochial self seekers of Nepal" (Preface) unfolds with an introductory chapter followed by the background of Nepal-India relations. The second chapter highlights the forces and factors that brought in changes since a multi-party form of government was first established in the country in 1951 and the achievements of that eighteen month period (1959 -60) of Nepal's first multi-party government. The third chapter analyses the crisis in Nepal-India relations and the restoration of *Status quo ante* after the overthrow of the Panchayat system in 1990. Chapter four under the heading 'Recapitulation' however, is taken up

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by appendices (p. 194-315) carefully gleaned but useful, to support the hypothesis that the book is firmly based on.

Basically, the volume lays emphasis on the traumatic years 1989-91, regarded as a 'blot' in the history of Nepal-India relations and raises fundamental questions regarding democracy and dictatorship and trust, mistrust and betrayal in the present Nepalese political context. The stalemate in relations of otherwise two friendly countries resulting in an economic crisis forms the main highlight of the book. The publication also brings into sharp focus the Movement for the Restoration of Democracy by the exiled Congress and Communist party leaders and fine tunes how it ultimately culminated in the overthrow of the despotic partyless panchayat polity and how a multi-party form of government was established in the Spring of 1990.

It is against this vivid background of happenings and political upheaval that Bhattarai and Khatiwada get down to analysing the events covered mostly by some Nepali and Indian government publications, journals, newspapers, radio broadcasts and television reports. This is precisely where the book stands exposed, raising serious doubts as to whether an "attempt has been made to make it a factual study" as the authors profess. On the one hand they state that the "book is a *record* of happenings in Nepal India relations during 1988-91 (Preface) while on the other they also categorically state "that the views opinions or arguments and *inferences* advanced in this book is strictly and entirely our own and have nothing to do with our official positions", (Preface). This, however, is bound to raise the moot question as to whether to career diplomats who joined the civil service during the bad old panchayat days and who are currently serving at the Embassy of Nepal in New Delhi and at the Embassy of Nepal in Washington should, during active diplomatic postings abroad, venture to air personal views in book form on issues that can be heavily debated, seriously questioned and outrightly challenged.

To begin with, the Nepal-India stalemate in relations assumed international proportions and was amply covered by the local, regional as well as the international media. If certain sections painted Nepal to be the villain of the piece; as a thankless country taking undue advantage of India's 'goodwill' and 'magnanimity' (which has been abundantly cited) the other opinion presented was of India being the regional bully, ruthlessly pushing forward its national interest and forcing a small, helpless, dependant and landlocked neighbour to its knees and, in the process, throwing to the winds the basic norms of inter-state behaviour and gross violation of human rights. The latter view which the book has conveniently ignored is indeed revealing to say the least. The heavy list of references and quotes cautiously gleaned, as mentioned earlier, from the Indian media, presents a disturbing, distorted and

lopsided view of the whole crisis. It leaves the reader wondering as to why saner and more objective articles on the stalemate like 'Imperial India' (*The Economist*, April 15, 1989) 'Coming of Age in India' (*Independent*, April 11, 1989), 'Teaching Nepal a Lesson' (*Economic and Political Monthly*, April 8, 1989), 'A Matter of Time' (Salamat Ali, *Far Eastern Economic Review*, May 4, 1989) 'India-Nepal Discord' (Anirudha Gupta, *Economic and political weekly*, April 22, 1989), 'The Imperialist Tendency is not new to India' (*The Times of India*, Aug. 15, 1989) etc. to name just a few, were not even mentioned in the 'factual study'.

While several Indian scholars have been copiously cited from their write-ups on the crisis, not a single reference is made to the several seminars held in Kathmandu at the time. If not all, at least two seminars, one held by Forum Nepal, June 5, 1990 and the other held by Nepal University Teachers' Association (NUTA) could have been cited to give a balanced and objective view to the unfortunate crisis. Articles by Nepali scholars like 'Restructuring Nepal-India Relations: Search for Subcontinental Security', 'The Midget, The Mammoth and the Myth of the Missing Link', and 'Nepal-India Relations: Heading for a Showdown' authored by Anand Aditya and Dev Raj Dahal, and S. B. Thakur respectively, graphically presented the Nepalese side of the story. Had these also been quoted, a clearer and an unbiased picture could have surfaced from the the pages of the volume. The publication, as it stands, is not only blatantly pro-Nepali Congress but unabashedly pro-Indian as well. It is an insult to the intelligence of any Nepali who carefully followed the fifteen month 'war of nerves' till the final overthrow of the Panchayat polity.

There can be no doubt that B. P. Koirala was a worthy son of Nepal. But let us not forget that so was King Mahendra. If B. P. Koirala's achievement in the foreign policy front was noteworthy, establishing diplomatic ties with seventeen countries in eighteen months (p. 30) surely King Mahendra's contribution to furthering diplomatic relations with some fifty plus countries during his reign deserves mention. This serious lapse, that too by two career diplomats, certainly smacks of mischief and outright partiality. The crucial **role** played by the United Left Front in the Movement for the Restoration of Democracy in Nepal cannot be undermined, either. Just to cursorily mention their role in the movement is to do them gross injustice and undermine their role in the movement. It is a fact that without their support, the success of the movement could never have come about. Just to magnify tenfold the role of the Nepali Congress and allow them to hog the limelight is a cruel, wicked distortion of the truth. It is also interesting to note why, in Appendix xvi, the hijacking of the RNAC plane with IC Rs three lakhs on board from Biratnagar by militant Nepali Congress workers is brushed under the rug of secrecy. Surely it couldn't be a bout of diplomatic amnesia in an otherwise

detailed chronology of major events in the history of Nepal from 1974 onwards.

In short, the book is through and through a Nepali Congress mouthpiece—pretentious and superfluous with flattering references to the Indian connection. Moreover, the typographical and grammatical errors that are too numerous to enlist, give the impression of the publication being unceremoniously hurried through the press for whatever reasons political, personal or professional. No doubt, the book raises vital questions of crucial political significance to the goodwill and trust of Nepal- India relations, but the serious lack of objectivity on the part of the writers in shaping the final outcome is also bound to raise eyebrows in the 'pin-stripe' community and maybe even trigger off a few high blood pressures in political circles.

- Ananda P. Shrestha

BOOK REVIEW

Mutual Regards: America and Nepal. Seen Through Each Other's Eyes. (नेपाली र अमेरिकीको दोहोरी नमस्ते). Surya Man Tamang, Bhim Bahadur Tamang, David H. Holmberg and Kathryn S. March. 87 Pages.

In this short book two Tamangs of the Rasuwa-Nuwakot region of Nepal and two Americans of upstate New York relate their first impressions of life in United States and Nepal respectively. The Americans are David H. Holmberg and Kathryn S. March, who first undertook anthropological research in Rasuwa District nearly twenty years ago; the Tamangs are Surya Man Tamang and Bhim Bahadur Tamang, the former of whom has provided fieldwork assistance to Holmberg and March since an initial encounter on the public bus in 1975. On a month-long visit to the U.S. in 1992, the Tamangs kept a journal of their itinerary and observations; likewise, the American anthropologists offer excerpts from their fieldnotes on Tamang social life recorded during two years of dissertation research from 1975-77. The Tamang and American commentary divide the book into sections, creating a mutual regard, or *dohori-namaste*, for the social universe of the other. Photographs at the center enhance the cultural exchange created by the two sets of fieldnotes. By sharing their tales of grappling with life in foreign lands, providing translations of each account in Nepali and English, and ultimately commenting on the iterative process of collaborative authorship, the four authors create what they call a "travel dialogue"—a unique experiment in cross-cultural representation, which should be of interest to a great diversity of readers in both Nepal and the U.S., from the newly literate to the advanced scholar.

This diversity of readership is the book's greatest asset. To its great credit, the book has been very popular among young readers in rural Nepal, if my own observations in Sankhu of Kathmandu District and Surya Man Tamang's in villages of Rasuwa District are any indication. The book provides, in language both simple and colloquial with a humorous sprinkling of Nepalese proverbs, a vision of America some what different from the myths advanced by the media and lodged in the popular imagination. The Tamangs' account includes descriptions of such traditional icons as the statue of Liberty, the White House and the Golden Gate Bridge. While they indeed

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marvel at artifacts of development, like tall buildings, good roads and supermarket check-out machines, they appreciate some of the challenges of life in an advanced capitalist society — the very high cost of living, for instance. Moreover, the Tamangs give greatest attention to aspects of American life that will resonate most for Nepalese readers: family customs, farm technology, places of worship and relationships among friends.

For Nepalese students of the English language at all levels of competence, *Mutual Regards* offers a context to learn and improve their language skills that is far more engaging than the typical English language textbook found in Nepal. The English translation of the Nepali is provided in simple, grammatically simple language. Holmberg and March, with the assistance of Nepalese colleagues, have moreover gone to considerable lengths to translate the numerous Nepalese proverbs used by the Tamang into their closest English equivalents (rarely, of course, a direct translation), thus offering Nepalese readers an opportunity to study English in its colloquial form. Because the Tamang and American accounts of each others' cultures are real and applicable to everyday life in Nepalese society, this book can be used not only to teach a reading skill, but also to encourage reading habits. In Sankhu, I have seen siblings arguing over whose turn it is to read the book, and shirking household responsibilities lest they forfeit their chance— not a common relationship with literature in rural Nepal, as far as I have seen. Likewise, the Tamangs' travelogue and the Nepalese translation of the intermediate and advanced students of Nepali. By sharing some of their early fieldwork misadventures, Holmberg and March also, if self-consciously, offer a rare glimpse into the mystified realm of ethnographic fieldnotes. This gesture is significant because anthropology education so inadequately addresses methods for recording data, even though fieldnotes later become the foundation for entire dissertations, books and ultimately careers.

Finally, *Dohari Namaste* should appeal to anthropologists and other social scientists in both Nepal and the West for its experimentation with a new form of cultural representation. The cross-cultural collaboration in authorship alone offers something of an antidote to the legacy of one-sided, voyeuristic authorship reporting. The collaboration here entails not simply a compilation of journal entries by each author, but, more importantly, a process of negotiation through which each was forced to reckon with the priorities and values of the other. Each author originally offered a selection of his or her notes quite different from that actually included in the book. The production of the book itself entailed multiple encounters, during which the authors substantiated and criticized one another's choices. For the authors, this dialogue itself delineated points of difference and similarity in Tamang and American world views more clearly than their own individual writings could.

By including an "Afterword" describing "the iterative conversation produced along with this book," Holmberg and March also enable their readers to appreciate the dialogue that renders this book a genuinely cross-cultural collaboration.

One point of negotiation, for instance, concerned the extent to which places, times, people and prices ought to be specified in the text. While the Tamangs rigorously record precise times, place and people names, distance traveled and prices paid, the Americans have a tendency to refer to people and places with abstractions like, "a little further down the trail," or "a woman from a nearby village." The Americans found the Tamang penchant for recording such details dull reading and an unnecessary compilation of facts and figures, while the Tamangs were frustrated by their co-authors' obscurity concerning a matter of importance to them. The authors' negotiations concerning this issue of naming resulted in the Tamangs' fleshing out name lists with some of their more intimate impressions, which they had omitted, and the Americans included those selections from their notes which offered more specificity concerning such details.

Perhaps more interesting than the compromise itself were the insights both Tamang and American authors gained about the social universe of the other. For Tamangs, since every journey inevitably leads back to one's own locality, and every encounter is traceable to one's own kin, the world itself becomes a network of places and people linked by trails and carefully monitored relationships. Tamangs thus remember and record places, dates, names and prices, skills which are invaluable for subsistence farming, long-distance trading and making religious pilgrimages. By recording their travels in *Dohori Namaste* with American units of accounting, such as miles, dollars, acres and Eastern Standard Time, the Tamangs not only extend their trails further out from their own locality, but also situate themselves in a larger, more cosmopolitan universe. Their fluency with this new mode of accounting is a self-representation that they insist on including in this writing.

Americans, on the other hand, can inhabit worlds "populated by general types," and in which family, professional and social affiliations may comprise more or less separated spheres of interaction. For Americans, places are not linearly linked, but are rather discrete locations in space. In unfamiliar environments, their own anonymity and privacy, as well as that of others, is something to be valued and respected. The Tamangs' reaction to wandering into a nightclub in Washington, D.C., where they had seen naked women dancing illustrates the cultural specificity of American expectations of anonymity and privacy:

A little while later, we went outside, where we saw lots and lots of people. What did those people who saw us coming out of there think? Even if you go into a bar and drink only milk, when you come out they will say you had been drinking liquor. If I say, "I'm an honest man, a faithful man," touch a sacred ammonite (*shaaligraam*), and even if I swear a sacred oath, who will believe me? (15).

The Tamangs cannot conceive the possibility of anonymity, even in such a distant and unlikely place as a nightclub in Washington D.C. For them, any encounter, even with a stranger, can be traced to mutual acquaintances or kin. Americans, on the other hand, can regulate the censorship of others by moving among places known and unknown.

Through *Dohori Namaste*, then, American readers can learn about Tamang society not only from the notes of the American anthropologists, but, perhaps more significantly, from what the Tamang authors say about American culture. The same is true, of course, about Tamang readers learning about American society, as the American authors also write from particular subjective positions, which are reflected in the language, idiom and content of their representations. The paired sets of filled notes thus remind us that cultural representation can never be likened to objective reporting, as Western anthropologists have been wont to claim. Just as the Tamang account of America is informed and shaped by Tamang priorities and value, the Americans describe Tamang social life from a singularly American point of view.

The Tamangs' short ethnography of the West similarly raises questions about the plausibility of development in Nepal as it has been conceived by Western planners. The glimpse we get of the Tamang world view, through their account of an advanced capitalist society, poses a challenge to assumptions about linear development trajectories rendered by Western economic models. Consider Surya Man's musings on flying in an airplane:

The plane took off at 7:05, Bangkok time. As we got up high, myself, as I got above the clouds and looked out, I thought: in the beginning, the most important lama-teachers, sitting in divine 'planes', went back and forth above clouds just like these in the realm of the gods. I remembered the words of the lamas as they preached to us, showing us on their sacred paintings, and saying that the gods feasted upon all conceivable kinds of celestial fruits up there. Therefore, too, myself, inside the plane it seemed I ate and drank all

conceivable kinds of things and listened to all sorts of music and watched all kinds of images with dancing and song.(2).

Just as Surya Man Tamang searches for referents in his Buddhist schooling to relate the experience of air travel, so too must ideas about development be rendered in terms meaningful to the intended beneficiaries in Nepal. Concepts like 'free markets' and 'democracy' must be translated— and in such translation, transformed— into processes which make sense in the particular context of Nepal. Accounts of the West such as those of the Tamangs' here remind us that even such things as the economy, science and technology, which Westerners may consider to be entirely disembedded from social life, are in fact cultural constructs: they were created and have meaning in one particular social context, and cannot be unilaterally transferred to another.

Genuinely collaborative efforts, such as the production of *Dohori Namaste* can serve to rectify the colonialist legacy of both anthropology and development. Through the back-and-forth process that became the book, the authors began to build a realm of *common* experience that enhanced their understanding and appreciation of their individual and cultural differences. In this spirit, the authors' intend to devote any profits from the sale of the book published, incidentally, in Kathmandu by Jeevan Support Printing Press, which is owned by Bhim Tamang — to funding educational opportunities for disadvantaged children from Nuwakot District. It is indeed a testament to the potential arising from cross-cultural collaboration that the book was originally conceived by Surya Man Tamang with this objective in mind.

- Katharine N. Rankin